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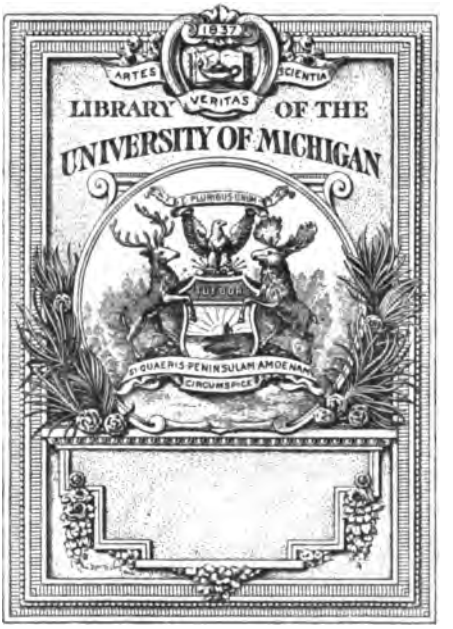

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THE WRITINGS

OF

THOMAS JEFFERSON.

MEMOIR,

39449

CORRESPONDENCE,

AND

MISCELLANIES,

FROM THE PAPERS OF

THOMAS JEFFERSON.

EDITED BY

THOMAS JEFFERSON RANDOLPH.

VOLUME I.

CHARLOTTESVILLE:
PUBLISHED BY F. CARR, AND CO.

1829.

EASTERN DISTRICT OF VIRGINIA, *to wit:*

BE IT REMEMBERED, that on the seventeenth day of January, in the fifty-third year of the Independence of the United States of America, THOMAS JEFFERSON RANDOLPH, of the said District, hath deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

L.S.

"Memoir, Correspondence, and Miscellanies, from the papers of Thomas Jefferson. Edited by Thomas Jefferson Randolph.

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned."

RD. JEFFRIES,
Clerk of the Eastern District of Virginia.

Jefferson Clark, Printer.

PREFACE.

THE opinion universally entertained of the extraordinary abilities of THOMAS JEFFERSON, and the signal evidence given by his country, of a profound sense of his patriotic services, and of veneration for his memory, have induced the Editor, who is both his Executor and the Legatee of his Manuscript papers, to believe that an extensive publication from them, would be particularly acceptable to the American people.

The Memoir, contained in the first volume, commences with circumstantial notices of his earliest life; and is continued to his arrival in New York, in March, 1790, when he entered on the duties of the Department of State, of which he had been just appointed Secretary.

From the aspect of the Memoir, it may be presumed that parts of it, at least, had been written for his own and his family's use only; and in a style without the finish of his revising pen. There is, however, no part of it, minute and personal as it may be, which the Reader would wish to have been passed over by the Editor; whilst not a few parts of that description, will, by some, be regarded with a particular interest.

The contents of the Memoir, succeeding the biographical pages, may be designated as follows:

I. General facts and anecdotes relating to the origin and early stages of the contest with Great Britain.

II. Historical circumstances relating to the Confederation of the States.

III. Facts and anecdotes, local and general, preliminary to the Declaration of Independence.

IV. An exact account of the circumstances attending that memorable act, in its preparation and its progress through Congress; with a copy from the original draught, in the *hand writing of the Author;* and a parallel column, in the same hand, shewing the alterations made in the draught by Congress.

The Memoir will be considered not a little enriched by the Debates in Congress, on the great question of Independence, as they were taken down by Mr. Jefferson at the time, and which, though in a compressed form, present the substance of what passed on that memorable occasion. This portion of the work derives peculiar value from its perfect authenticity, being all in the hand writing of that distinguished member of the body; from the certainty that this is the first disclosure to the world of those Debates; and from the probability, or rather certainty, that a like knowledge of them is not to be expected from any other source. The same remarks are applicable to the Debates in the same Congress, preserved in the same manner, on two of the original Articles of Confederation. The first is the Article fixing the rate of assessing the quotas of supply to the common Treasury; the second is the Article which declares, "that in determining questions each Colony shall have one vote." The Debates on both are not only interesting in themselves, but curious, also, in relation to like discussions of the same subjects on subsequent occasions.

V. Views of the connections and transactions of the United States with foreign nations, at different periods; particularly, a narrative, with many details, personal and political, of the causes and early course of the French Revolution, as exhibited to the observation of the Author, during his diplomatic residence at Paris. The narrative, with the intermingled reflections on the character and consequences of that Revolution, fill a considerable space in the Memoir, and form a very important part of it.

VI. Within the body of the Memoir, or referred to as an appendix, are other papers which were thought well entitled to the place they occupy. Among them, are, 1. A paper drawn up in the year 1774, as "Instructions to our Delegates in Congress." Though

heretofore in print, it will be new to most readers; and will be regarded by all, as the most ample and precise enumeration of British violations that had then appeared, or, perhaps, that has since been presented in a form at once so compact and so complete. 2. A Penal code, being part of a Revised Code of Laws, prepared by appointment of the Legislature of Virginia, in 1776, with reference to the Republican form of Government, and to the principles of humanity congenial therewith, and with the improving spirit of the age. Annexed to the several articles, are explanatory and other remarks of the Author, worthy of being preserved by the aid of the press. 3. A historical and critical review of the repeal of the laws establishing the Church in Virginia; which was followed by the "Act for establishing religious freedom." This act, it is well known, was always held by Mr. Jefferson to be one of his best efforts in the cause of liberty, to which he was devoted: and it is certainly the strongest *legal* barrier that could be erected against a connection between Church and State, so fatal in its tendency to the purity of both. 4. An elaborate paper concerning a Money Unit, prepared in the year 1784, and which laid the foundation of the system adopted by Congress, for a coinage and money of account. For other particulars, not here noted, the Reader is referred to the volume itself.

The termination of the Memoir, at the date mentioned, by the Author, may be explained by the laborious tasks assumed or not declined by him, on his return to private life; which, with his great age, did not permit him to reduce his materials into a state proper to be embodied in such a work.

The other volumes contain, I. Letters from 1775, to his death, addressed to a very great variety of individuals; and comprising a range of information, and in many instances, regular essays, on subjects of History, Politics, Science, Morals and Religion. The letters to him are omitted except in a very few instances, where it was supposed their publication would be generally acceptable, from the important character of the communication, or the general interest in the views of the writer; or where the whole or a part of a letter had been filed for the better understanding of the answer.

In these cases, such letters are inserted in the body of the work, or in an appendix, as their importance, and connection with the subject discussed by the Author, rendered advisable. And where inferences from the tenor of the answer, might in any way affect the correspondent, his name does not appear in the copy filed. The historical parts of the letters, and the entire publication, have the rare value of coming from one of the chief actors himself, and of being written, not for the public eye, but in the freedom and confidence of private friendship.

II. Notes of conversations, whilst Secretary of State, with President Washington, and others high in office; and memoranda of Cabinet Councils, committed to paper on the spot, and filed; the whole, with the explanatory and miscellaneous additions, shewing the views and tendencies of parties, from the year 1789 to 1800.

Appended to the publication, is a 'Fac simile' of the rough draught of the Declaration of Independence, in which will be seen the erasures, interlineations and additions of Dr. Franklin and Mr. Adams, two of the appointed Committee, in the hand writing of each.

The Editor, though he cannot be insensible to the genius, the learning, the philosophic inspiration, the generous devotion to virtue, and the love of country, displayed in the writings now committed to the press, is restrained, not less by his incompetency, than by his relation to the Author, from dwelling on themes which belong to an eloquence that can do justice to the names of illustrious benefactors to their country and to their fellow men.

Albemarle, Va. January, 1829.

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NOTICE.

The Fac simile of the rough draught of the Declaration of Independence, was not engraved in time, to be inserted in its appropriate place in this volume. It is, therefore, appended to a subsequent one.

The notes inclosed in brackets, are by the Editor. In one instance only, (page 29 of this volume) this mark of distinction has been accidentally omitted.

A list of the principal errata, will be found at the close of the last volume.

MEMOIR.

JANUARY 6, 1821. At the age of 77, I begin to make some memoranda, and state some recollections of dates and facts concerning myself, for my own more ready reference, and for the information of my family.

The tradition in my father's family was, that their ancestor came to this country from Wales, and from near the mountain of Snowden, the highest in Great Britain. I noted once a case from Wales, in the law reports, where a person of our name was either plaintiff or defendant; and one of the same name was secretary to the Virginia Company. These are the only instances in which I have met with the name in that country. I have found it in our early records; but the first particular information I have of any ancestor was of my grandfather, who lived at the place in Chesterfield called Ozborne's, and owned the lands afterwards the glebe of the parish. He had three sons; Thomas who died young, Field who settled on the waters of Roanoke and left numerous descendants, and Peter, my father, who settled on the lands I still own, called Shadwell, adjoining my present residence. He was born February 29, 1707–8, and intermarried 1739, with Jane Randolph, of the age of 19, daughter of Isham Randolph, one of the seven sons of that name and family settled at Dungeoness in Goochland. They trace their pedigree far back in England and Scotland, to which let every one ascribe the faith and merit he chooses.

My father's education had been quite neglected; but being of a strong mind, sound judgment, and eager after information, he read much and improved himself, insomuch that he was chosen, with Joshua Fry, professor of Mathematics in William and Mary college, to continue the boundary line between Virginia and North Carolina, which had been begun by Colonel Byrd; and was afterwards employed with the same Mr. Fry, to make the first map of Virginia which had ever been made, that of Captain Smith being

merely a conjectural sketch. They possessed excellent materials for so much of the country as is below the blue ridge; little being then known beyond that ridge. He was the third or fourth settler, about the year 1737, of the part of the country in which I live. He died August 17th, 1757, leaving my mother a widow, who lived till 1776, with six daughters and two sons, myself the elder. To my younger brother he left his estate on James river, called Snowden, after the supposed birth place of the family: to myself, the lands on which I was born and live. He placed me at the English school at five years of age; and at the Latin at nine, where I continued until his death. My teacher, Mr. Douglas, a clergyman from Scotland, with the rudiments of the Latin and Greek languages, taught me the French; and on the death of my father, I went to the Reverend Mr. Maury, a correct classical scholar, with whom I continued two years; and then, to wit, in the spring of 1760, went to William and Mary college where I continued two years. It was my great good fortune, and what probably fixed the destinies of my life, that Dr. William Small of Scotland, was then professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, and an enlarged and liberal mind. He, most happily for me, became soon attached to me, and made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science, and of the system of things in which we are placed. Fortunately, the philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it *per interim:* and he was the first who ever gave, in that college, regular lectures in Ethics, Rhetoric and Belles lettres. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend George Wythe, a reception as a student of law, under his direction, and introduced me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. With him, and at his table, Dr. Small and Mr. Wythe, his *amici omnium horarum*, and myself, formed a *partie quarree*, and to the habitual conversations on these occasions I owed much instruction. Mr. Wythe continued to be my faithful and beloved mentor in youth, and my most affectionate friend through life. In 1767, he led me into the practice of the law at the bar of the General court, at which I continued until the Revolution shut up the courts of justice.*

* For a sketch of the life and character of Mr. Wythe, see my letter of August 31, 1820, to Mr. John Saunderson. [See Appendix, note A.]

In 1769, I became a member of the legislature by the choice of the county in which I live, and so continued until it was closed by the Revolution. I made one effort in that body for the permission of the emancipation of slaves, which was rejected: and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits, by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our representatives were of habit and despair, not of reflection and conviction. Experience soon proved that they could bring their minds to rights, on the first summons of their attention. But the King's Council, which acted as another house of legislature, held their places at will, and were in most humble obedience to that will: the Governor too, who had a negative on our laws, held by the same tenure, and with still greater devotedness to it: and, last of all, the Royal negative closed the last door to every hope of amelioration.

On the 1st of January, 1772, I was married to Martha Skelton, widow of Bathurst Skelton, and daughter of John Wayles, then twenty-three years old. Mr. Wayles was a lawyer of much practice, to which he was introduced more by his great industry, punctuality and practical readiness, than by eminence in the science of his profession. He was a most agreeable companion, full of pleasantry and good humor, and welcomed in every society. He acquired a handsome fortune, and died in May, 1773, leaving three daughters: the portion which came on that event to Mrs. Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765, against the Stamp-act, were proposed, I was yet a student of law in Williamsburg. I attended the debate, however, at the door of the lobby of the House of Burgesses, and heard the splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote. Mr. Johnson, a lawyer, and member from the Northern neck, seconded the resolutions, and by him the learning and logic of the case were chiefly maintained. My recollections of these transactions may be seen page 60 of the life of Patrick Henry, by Wirt, to whom I furnished them.

In May, 1769, a meeting of the General Assembly was called by the Governor, Lord Botetourt. I had then become a member; and to that meeting became known the joint resolutions and ad-

dress of the Lords and Commons of 1768–9, on the proceedings in Massachusetts. Counter-resolutions, and an address to the King by the House of Burgesses, were agreed to with little opposition, and a spirit manifestly displayed itself of considering the cause of Massachusetts as a common one. The Governor dissolved us: but we met the next day in the Apollo* of the Raleigh tavern, formed ourselves into a voluntary convention, drew up articles of association against the use of any merchandise imported from Great Britain, signed and recommended them to the people, repaired to our several counties, and were re-elected without any other exception than of the very few who had declined assent to our proceedings.

Nothing of particular excitement occurring for a considerable time, our countrymen seemed to fall into a state of insensibility to our situation; the duty on tea, not yet repealed, and the declaratory act of a right in the British Parliament, to bind us by their laws in all cases whatsoever, still suspended over us. But a court of enquiry held in Rhode Island in 1762, with a power to send persons to England to be tried for offences committed here, was considered, at our session of the spring of 1773, as demanding attention. Not thinking our old and leading members up to the point of forwardness and zeal which the times required, Mr. Henry, Richard Henry Lee, Francis L. Lee, Mr. Carr and myself agreed to meet in the evening, in a private room of the Raleigh, to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies, to consider the British claims as a common cause to all, and to produce a unity of action: and for this purpose that a committee of correspondence in each colony would be the best instrument for intercommunication: and that their first measure would probably be, to propose a meeting of deputies from every colony, at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions which may be seen in Wirt, page 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend and brother-in-law, then a new member, to whom I wished an opportunity should be given of making known to the house his great worth and talents. It was so agreed; he moved them, they were agreed to *nem. con.* and a committee of correspondence appointed, of whom Peyton Randolph, the speaker, was chairman.

[* The name of a public room in the Raleigh.]

The Governor (then Lord Dunmore) dissolved us, but the committee met the next day, prepared a circular letter to the speakers of the other colonies, inclosing to each a copy of the resolutions, and left it in charge with their chairman to forward them by expresses.

The origination of these committees of correspondence between the colonies, has been since claimed for Massachusetts, and Marshall* has given into this error, although the very note of his appendix to which he refers, shows that their establishment was confined to their own towns. This matter will be seen clearly stated in a letter of Samuel Adams Wells to me of April 2nd, 1819, and my answer of May 12th. I was corrected by the letter of Mr. Wells in the information I had given Mr. Wirt, as stated in his note, page 87, that the messengers of Massachusetts and Virginia crossed each other on the way, bearing similar propositions; for Mr. Wells shows that Massachusetts did not adopt the measure, but on the receipt of our proposition, delivered at their next session. Their message, therefore, which passed ours, must have related to something else, for I well remember Peyton Randolph's informing me of the crossing of our messengers.†

The next event which excited our sympathies for Massachusetts, was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, three or four other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures, in the council chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer, would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help, therefore, of Rushworth, whom we rummaged over for the revolutionary precedents and forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the port bill was to commence, for a day of fasting, humiliation and prayer,

* Life of Washington, vol. ii. p. 151.

[† See Appendix, note B.]

to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed; and it passed without opposition. The Governor dissolved us, as usual. We retired to the Apollo, as before, agreed to an association, and instructed the committee of correspondence to propose to the corresponding committees of the other colonies, to appoint deputies to meet in Congress at such place, *annually*, as should be convenient, to direct, from time to time, the measures required by the general interest: and we declared that an attack on any one colony, should be considered as an attack on the whole. This was in May. We further recommended to the several counties to elect deputies to meet at Williamsburg, the 1st of August ensuing, to consider the state of the colony, and particularly to appoint delegates to a general Congress, should that measure be acceded to by the committees of correspondence generally. It was acceded to; Philadelphia was appointed for the place, and the 5th of September for the time of meeting. We returned home, and in our several counties invited the clergy to meet assemblies of the people on the 1st of June, to perform the ceremonies of the day, and to address to them discourses suited to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day, through the whole colony, was like a shock of electricity, arousing every man and placing him erect and solidly on his centre. They chose, universally, delegates for the convention. Being elected one for my own county, I prepared a draught of instructions to be given to the delegates whom we should send to the Congress, which I meant to propose at our meeting.* In this I took the ground that, from the beginning, I had thought the only one orthodox or tenable, which was, that the relation between Great Britain and these colonies was exactly the same as that of England and Scotland, after the accession of James and until the union, and the same as her present relations with Hanover, having the same executive chief, but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us, than the emigrations of the Danes and Saxons gave to the present authorities of the mother country, over

[* See Appendix, note C.]

England. In this doctrine, however, I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question, What was the political relation between us and England? Our other patriots, Randolph, the Lees, Nicholas, Pendleton, stopped at the half way house of John Dickinson, who admitted that England had a right to regulate our commerce, and to lay duties on it for the purposes of regulation, but not of raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason: expatriation being a natural right, and acted on as such, by all nations, in all ages. I set out for Williamsburg some days before that appointed for our meeting, but was taken ill of a dysentery on the road, and was unable to proceed. I sent on, therefore, to Williamsburg two copies of my draught, the one under cover to Peyton Randolph, who I knew would be in the chair of the convention, the other to Patrick Henry. Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew) I never learned: but he communicated it to nobody. Peyton Randolph informed the convention he had received such a paper from a member, prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, though thought too bold for the present state of things; but they printed it in pamphlet form, under the title of 'A summary view of the rights of British America.' It found its way to England, was taken up by the opposition, interpolated a little by Mr. Burke so as to make it answer opposition purposes, and in that form ran rapidly through several editions. This information I had from Parson Hurt, who happened at the time to be in London, whither he had gone to receive clerical orders; and I was informed afterwards by Peyton Randolph, that it had procured me the honor of having my name inserted in a long list of proscriptions, enrolled in a bill of attainder commenced in one of the Houses of Parliament, but suppressed in embryo by the hasty step of events, which warned them to be a little cautious. Montague, agent of the House of Burgesses in England, made extracts from the bill, copied the names, and sent them to Peyton Randolph. The names I think were about twenty, which he repeated to me, but I recollect those only of Hancock, the two Adamses, Peyton Randolph himself, Patrick Henry, and myself.* The convention met on the 1st of August, renewed their association, appointed delegates to the Congress, gave them instructions very temperately and

* See Girardin's History of Virginia, Appendix No. 12. note.

properly expressed, both as to style and matter ;* and they repaired to Philadelphia at the time appointed. The splendid proceedings of that Congress, at their first session, belong to general history, are known to every one, and need not therefore be noted here. They terminated their session on the 26th of October, to meet again on the 10th of May ensuing. The convention, at their ensuing session of March '75, approved of the proceedings of Congress, thanked their delegates, and reappointed the same persons to represent the colony at the meeting to be held in May: and foreseeing the probability that Peyton Randolph, their president, and speaker also of the House of Burgesses, might be called off, they added me, in that event, to the delegation.

Mr. Randolph was according to expectation obliged to leave the chair of Congress, to attend the General Assembly summoned by Lord Dunmore, to meet on the 1st day of June, 1775. Lord North's conciliatory propositions, as they were called, had been received by the Governor, and furnished the subject for which this assembly was convened. Mr. Randolph accordingly attended, and the tenor of these propositions being generally known, as having been addressed to all the governors, he was anxious that the answer of our Assembly, likely to be the first, should harmonise with what he knew to be the sentiments and wishes of the body he had recently left. He feared that Mr. Nicholas, whose mind was not yet up to the mark of the times, would undertake the answer, and therefore pressed me to prepare it. I did so, and, with his aid, carried it through the House, with long and doubtful scruples from Mr. Nicholas and James Mercer, and a dash of cold water on it here and there, enfeebling it somewhat, but finally with unanimity, or a vote approaching it. This being passed, I repaired immediately to Philadelphia, and conveyed to Congress the first notice they had of it. It was entirely approved there. I took my seat with them on the 21st of June. On the 24th, a committee which had been appointed to prepare a declaration of the causes of taking up arms, brought in their report (drawn I believe by J. Rutledge) which, not being liked, the House recommitted it, on the 26th, and added Mr. Dickinson and myself to the committee. On the rising of the House, the committee having not yet met, I happened to find myself near Governor W. Livingston, and proposed to him to draw the paper. He excused himself and proposed that I should draw it. On my pressing him with urgency, 'we are as yet but new acquaintances, sir,' said he, 'why are you so earnest for my doing it?' 'because,' said I, 'I have been informed

[* See Appendix, note D.]

that you drew the Address to the people of Great Britain, a production, certainly, of the finest pen in America.' 'On that,' says he, 'perhaps, sir, you may not have been correctly informed.' I had received the information in Virginia from Colonel Harrison on his return from that Congress. Lee, Livingston and Jay had been the committee for that draught. The first, prepared by Lee, had been disapproved and recommitted. The second was drawn by Jay, but being presented by Governor Livingston, had led Colonel Harrison into the error. The next morning, walking in the hall of Congress, many members being assembled, but the House not yet formed, I observed Mr. Jay, speaking to R. H. Lee, and leading him by the button of his coat to me. 'I understand, sir,' said he to me, 'that this gentleman informed you, that Governor Livingston drew the Address to the people of Great Britain.' I assured him, at once, that I had not received that information from Mr. Lee, and that not a word had ever passed on the subject between Mr. Lee and myself; and after some explanations the subject was dropped. These gentlemen had had some sparrings in debate before, and continued ever very hostile to each other.

I prepared a draught of the declaration committed to us. It was too strong for Mr. Dickinson. He still retained the hope of reconciliation with the mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, and so able a one, that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last four paragraphs and half of the preceding one. We approved and reported it to Congress, who accepted it. Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against its humility was general; and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, although further observation on it was out of order, he could not refrain from rising and expressing his satisfaction, and concluded by saying 'there is but one word, Mr. President, in the paper which I disapprove, and that is the word *Congress*;' on which Ben Harrison rose and said 'there is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*.'

On the 22nd of July, Dr. Franklin, Mr. Adams, R. H. Lee and myself were appointed a committee to consider and report on

Lord North's conciliatory resolution. The answer of the Virginia Assembly on that subject having been approved, I was requested by the committee to prepare this report, which will account for the similarity of feature in the two instruments.

On the 15th of May, 1776, the convention of Virginia instructed their delegates in Congress, to propose to that body to declare the colonies independent of Great Britain, and appointed a committee to prepare a declaration of rights and plan of government.

*In Congress, Friday, June 7, 1776. The delegates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these United colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together.

The House being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock.

Saturday, June 8. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day and Monday the 10th in debating on the subject.

It was argued by Wilson, Robert R. Livingston, E. Rutledge, Dickinson and others—

That, though they were friends to the measures themselves, and saw the impossibility that we should ever again be united with Great Britain, yet they were against adopting them at this time:

That the conduct we had formerly observed was wise and proper now, of deferring to take any capital step till the voice of the people drove us into it:

That they were our power, and without them our declarations could not be carried into effect:

That the people of the middle colonies (Maryland, Delaware, Pennsylvania, the Jerseys and New York) were not yet ripe for bidding adieu to British connection, but that they were fast ripening, and, in a short time, would join in the general voice of America:

[* Here, in the original manuscript, commence the 'two preceding sheets' referred to by Mr. Jefferson, page 20, as containing 'notes' taken by him 'whilst these things were going on.' They are easily distinguished from the body of the MS. in which they were inserted by him, being of a paper very different in size, quality and color, from that on which the latter is written.]

That the resolution, entered into by this House on the 15th of May, for suppressing the exercise of all powers derived from the crown, had shewn, by the ferment into which it had thrown these middle colonies, that they had not yet accommodated their minds to a separation from the mother country:

That some of them had expressly forbidden their delegates to consent to such a declaration, and others had given no instructions, and consequently no powers to give such consent:

That if the delegates of any particular colony had no power to declare such colony independent, certain they were, the others could not declare it for them; the colonies being as yet perfectly independent of each other:

That the assembly of Pennsylvania was now sitting above stairs, their convention would sit within a few days, the convention of New York was now sitting, and those of the Jerseys and Delaware counties would meet on the Monday following, and it was probable these bodies would take up the question of Independence, and would declare to their delegates the voice of their state:

That if such a declaration should now be agreed to, these delegates must retire, and possibly their colonies might secede from the Union:

That such a secession would weaken us more than could be compensated by any foreign alliance:

That in the event of such a division, foreign powers would either refuse to join themselves to our fortunes, or, having us so much in their power as that desperate declaration would place us, they would insist on terms proportionably more hard and prejudicial:

That we had little reason to expect an alliance with those to whom alone, as yet, we had cast our eyes:

That France and Spain had reason to be jealous of that rising power, which would one day certainly strip them of all their American possesions:

That it was more likely they should form a connection with the British court, who, if they should find themselves unable otherwise to extricate themselves from their difficulties, would agree to a partition of our territories, restoring Canada to France, and the Floridas to Spain, to accomplish for themselves a recovery of these colonies:

That it would not be long before we should receive certain information of the disposition of the French court, from the agent whom we had sent to Paris for that purpose:

That if this disposition should be favorable, by waiting the event of the present campaign, which we all hoped would be successful, we should have reason to expect an alliance on better terms:

That this would in fact work no delay of any effectual aid from such ally, as, from the advance of the season and distance of our situation, it was impossible we could receive any assistance during this campaign:

That it was prudent to fix among ourselves the terms on which we would form alliance, before we declared we would form one at all events:

And that if these were agreed on, and our Declaration of Independence ready by the time our Ambassador should be prepared to sail, it would be as well, as to go into that Declaration at this day.

On the other side, it was urged by J. Adams, Lee, Wythe and others, that no gentleman had argued against the policy or the right of separation from Britain, nor had supposed it possible we should ever renew our connection; that they had only opposed its being now declared:

That the question was not whether, by a Declaration of Independence, we should make ourselves what we are not; but whether we should declare a fact which already exists:

That, as to the people or parliament of England, we had always been independent of them, their restraints on our trade deriving efficacy from our acquiescence only, and not from any rights they possessed of imposing them, and that so far, our connection had been federal only, and was now dissolved by the commencement of hostilities:

That, as to the King, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the late act of parliament, by which he declares us out of his protection, and by his levying war on us, a fact which had long ago proved us out of his protection; it being a certain position in law, that allegiance and protection are reciprocal, the one ceasing when the other is withdrawn:

That James the II. never declared the people of England out of his protection, yet his actions proved it and the parliament declared it:

No delegates then can be denied, or ever want, a power of declaring an existent truth:

That the delegates from the Delaware counties having declared their constituents ready to join, there are only two colonies, Pennsylvania and Maryland, whose delegates are absolutely tied up, and that these had, by their instructions, only reserved a right of confirming or rejecting the measure:

That the instructions from Pennsylvania might be accounted for from the times in which they were drawn, near a twelvemonth ago, since which the face of affairs has totally changed:

That within that time, it had become apparent that Britain was determined to accept nothing less than a *carte-blanche*, and that the King's answer to the Lord Mayor, Aldermen and Common Council of London, which had come to hand four days ago, must have satisfied every one of this point:

That the people wait for us to lead the way:

That *they* are in favour of the measure, though the instructions given by some of their *representatives* are not:

That the voice of the representatives is not always consonant with the voice of the people, and that this is remarkably the case in these middle colonies:

That the effect of the resolution of the 15th of May has proved this, which, raising the murmurs of some in the colonies of Pennsylvania and Maryland, called forth the opposing voice of the freer part of the people, and proved them to be the majority even in these colonies:

That the backwardness of these two colonies might be ascribed, partly to the influence of proprietary power and connections, and partly, to their having not yet been attacked by the enemy;

That these causes were not likely to be soon removed, as there seemed no probability that the enemy would make either of these the seat of this summer's war:

That it would be vain to wait either weeks or months for perfect unanimity, since it was impossible that all men should ever become of one sentiment on any question:

That the conduct of some colonies, from the beginning of this contest, had given reason to suspect it was their settled policy to keep in the rear of the confederacy, that their particular prospect might be better, even in the worst event:

That, therefore, it was necessary for those colonies who had thrown themselves forward and hazarded all from the beginning, to come forward now also, and put all again to their own hazard:

That the history of the Dutch revolution, of whom three states only confederated at first, proved that a secession of some colonies would not be so dangerous as some apprehended:

That a declaration of Independence alone could render it consistent with European delicacy, for European powers to treat with us, or even to receive an Ambassador from us:

That till this, they would not receive our vessels into their ports, nor acknowledge the adjudications of our courts of admiralty to be legitimate, in cases of capture of British vessels:

That though France and Spain may be jealous of our rising power, they must think it will be much more formidable with the addition of Great Britain; and will therefore see it their interest

to prevent a coalition; but should they refuse, we shall be but where we are; whereas without trying, we shall never know whether they will aid us or not:

That the present campaign may be unsuccessful, and therefore we had better propose an alliance while our affairs wear a hopeful aspect:

That to wait the event of this campaign will certainly work delay, because, during this summer, France may assist us effectually, by cutting off those supplies of provisions from England and Ireland, on which the enemy's armies here are to depend; or by setting in motion the great power they have collected in the West Indies, and calling our enemy to the defence of the possessions they have there:

That it would be idle to lose time in settling the terms of alliance, till we had first determined we would enter into alliance:

That it is necessary to lose no time in opening a trade for our people, who will want clothes, and will want money too, for the payment of taxes:

And that the only misfortune is, that we did not enter into alliance with France six months sooner, as, besides opening her ports for the vent of our last year's produce, she might have marched an army into Germany, and prevented the petty princes there, from selling their unhappy subjects to subdue us.

It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st: but, that this might occasion as little delay as possible, a committee was appointed to prepare a Declaration of Independence. The committee were John Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston, and myself. Committees were also appointed, at the same time, to prepare a plan of confederation for the colonies, and to state the terms proper to be proposed for foreign alliance. The committee for drawing the Declaration of Independence, desired me to do it. It was accordingly done, and being approved by them, I reported it to the House on Friday, the 28th of June, when it was read and ordered to lie on the table. On Monday, the 1st of July, the House resolved itself into a committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina

and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present, and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They therefore thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question; which was given them. The committee rose and reported their resolution to the House. Mr. Edward Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question, whether the House would agree to the resolution of the committee, was accordingly postponed to the next day, when it was again moved, and South Carolina concurred in voting for it. In the mean time, a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, her vote was changed, so that the whole twelve colonies who were authorised to vote at all, gave their voices for it; and, within a few days,* the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of her delegates from the vote.

Congress proceeded the same day to consider the Declaration of Independence, which had been reported and laid on the table the Friday preceding, and on Monday referred to a committee of the whole. The pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censures on the people of England were struck out, lest they should give them offence. The clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our northern brethren also, I believe, felt a little tender under those censures; for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others. The debates having taken up the greater parts of the 2nd, 3rd, and 4th days of July, were, on the evening of the last, closed; the Declaration was reported by the committee, agreed to by the House, and

* July 9.

signed by every member present, except Mr. Dickinson. As the sentiments of men are known not only by what they receive, but what they reject also, I will state the form of the Declaration as originally reported. The parts struck out by Congress shall be distinguished by a black line drawn under them;* and those inserted by them shall be placed in the margin, or in a concurrent column.

A Declaration by the Representatives of the United States of America, in *General* Congress assembled.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident: that all men are created equal; that they are endowed by their creator with [*inherent and*] inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations [*begun at a distinguished period and*] pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such

certain

[* In this publication, the parts struck out are printed in *Italics* and inclosed in brackets.]

has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [*expunge*] their former systems of government. The history of the present king of Great Britain is a history of [*unremitting*] injuries and usurpations, [*among which appears no solitary fact to contradict the uniform tenor of the rest, but all have*] in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world [*for the truth of which we pledge a faith yet unsullied by falsehood.*]

alter

repeated

all having

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly [*and continually*] for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has [*suffered*] the administration of justice [*totally to cease in some of these states*] refusing his assent to laws for establishing judiciary powers.

obstructed by

He has made [*our*] judges dependant on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, [*by a self-assumed power*] and sent hither swarms of new officers to harrass our people and eat out their substance.

He has kept among us in times of peace standing armies [*and ships of war*] without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us [ ] of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these [*states*]; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

in many cases

colonies

He has abdicated government here [*withdrawing his governors, and declaring us out of his allegiance and protection.*]

by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of cruelty and perfidy [ ] unworthy the head of a civilized nation.

scarcely paralleled in the most barbarous ages and totally

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has [ ] endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions [*of existence.*] excited domestic insurrections among us, and has

[*He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.*

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobium of INFIDEL *powers, is the warfare of the* CHRISTIAN *king of Great Britain. Determined to keep open a market where* MEN *should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the* LIBERTIES *of one people, with crimes which he urges them to commit against the* LIVES *of another.*]

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a [ ] people [*who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad and so undisguised for tyranny over a people fostered and fixed in principles of freedom.*] free

Nor have we been wanting in attentions to our British brethren. We have warned them from time

an unwarrantable us

to time of attempts by their legislature to extend [*a*] jurisdiction over [*these our states*]. We have reminded them of the circumstances of our emigration and settlement here, [*no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and,*] we [ ] appealed to their native justice and magnanimity [*as well as to*] the ties of our common kindred to disavow these usurpations which [*were likely to*] interrupt our connection and correspondence. •They too have been deaf to the voice of justice and of consanguinity, [*and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom, it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too. We will tread it apart from them, and*] acquiesce in the necessity which denounces our [*eternal*] separation [ ]!

have

and we have conjured them by

would inevitably

We must therefore and hold them as we hold the rest of mankind, enemies in war, in peace friends.

We therefore the representatives of the United States of America in General Congress assembled, do in the name, and by the authority of the good people of these [*states reject and renounce all allegiance and subiection to the kings of Great Britain and all others who may hereafter claim by, through or under them; we utterly dissolve all political connection which may heretofore have subsisted between us and the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent states,*] and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

We therefore the representatives of the United States of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

The Declaration thus signed on the 4th, on paper, was engrossed on parchment, and signed again on the 2nd of August.

[Some erroneous statements of the proceedings on the Declaration of Independence having got before the public in latter times, Mr. Samuel A. Wells asked explanations of me, which are given in my letter to him of May 12, '19, before and now again referred to.* I took notes in my place while these things were going on, and at their close wrote them out in form and with correctness, and from 1 to 7 of the two preceding sheets, are the originals then

[* See Appendix, note B.]

written; as the two following are of the earlier debates on the Cofederation, which I took in like manner.*]

On Friday, July 12, the committee appointed to draw the articles of Confederation reported them, and, on the 22nd, the House resolved themselves into a committee to take them into consideration. On the 30th and 31st of that month, and 1st of the ensuing, those articles were debated which determined the proportion, or quota, of money which each state should furnish to the common treasury, and the manner of voting in Congress. The first of these articles was expressed in the original draught in these words. 'Art. XI. All charges of war and all other expences that shall be incurred for the common defence, or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants of every age, sex and quality, except Indians not paying taxes, in each colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken and transmitted to the Assembly of the United States.'

Mr. Chase moved that the quotas should be fixed, not by the number of inhabitants of every condition, but by that of the 'white inhabitants.' He admitted that taxation should be always in proportion to property, that this was, in theory, the true rule; but that, from a variety of difficulties, it was a rule which could never be adopted in practice. The value of the property in every state, could never be estimated justly and equally. Some other measure for the wealth of the state must therefore be devised, some standard referred to, which would be more simple. He considered the number of inhabitants as a tolerably good criterion of property, and that this might always be obtained. He therefore thought it the best mode which we could adopt, with one exception only: he observed that negroes are property, and as such, cannot be distinguished from the lands or personalities held in those states where there are few slaves; that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c., whereas a Southern farmer lays out the same surplus in slaves. There is no more reason therefore for taxing the Southern states on the farmer's head, and on his slave's head, than the Northern ones on their farmer's heads and the heads of their cattle: that the

[† The above note of the author is on a slip of paper, pasted in at the end of the Declaration. Here is also sewed into the MS. a slip of newspaper containing, under the head 'Declaration of Independence,' a letter from Thomas M'Kean to Messrs. William M'Corkle & Son, dated 'Philadelphia, June 16, 1817.' This letter is to be found in the Port Folio, Sept. 1817, p. 249.]

method proposed would, therefore, tax the Southern states according to their numbers and their wealth conjunctly, while the Northern would be taxed on numbers only: that negroes, in fact, should not be considered as members of the state, more than cattle, and that they have no more interest in it.

Mr. John Adams observed, that the numbers of people were taken by this article, as an index of the wealth of the state, and not as subjects of taxation; that, as to this matter, it was of no consequence by what name you called your people, whether by that of freemen or of slaves; that in some countries the laboring poor were called freemen, in others they were called slaves; but that the difference as to the state was imaginary only. What matters it whether a landlord employing ten laborers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand? The ten labourers add as much wealth annually to the state, increase its exports as much, in the one case as the other. Certainly five hundred freemen produce no more profits, no greater surplus for the payment of taxes, than five hundred slaves. Therefore the state in which are the laborers called freemen, should be taxed no more than that in which are those called slaves. Suppose, by an extraordinary operation of nature or of law, one half the laborers of a state could in the course of one night be transformed into slaves: would the state be made the poorer or the less able to pay taxes? That the condition of the laboring poor in most countries, that of the fishermen particularly of the Northern states, is as abject as that of slaves. It is the number of laborers which produces the surplus for taxation, and numbers, therefore, indiscriminately, are the fair index of wealth; that it is the use of the word 'property' here, and its application to some of the people of the state, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of laborers in his country, and proportionably to its profits and abilities to pay taxes; if he buys from his neighbor, it is only a transfer of a laborer from one farm to another, which does not change the annual produce of the state, and therefore should not change its tax: that if a Northern farmer works ten laborers on his farm, he can, it is true, invest the surplus of ten men's labor in cattle; but so may the Southern farmer, working ten slaves; that a state of one hundred thousand freemen can maintain no more cattle, than one of one hundred thousand slaves. Therefore, they have no more of that kind of property; that a slave may indeed, from the custom of speech, be more properly called the wealth of his master, than

the free laborer might be called the wealth of his employer: but as to the state, both were equally its wealth, and should therefore equally add to the quota of its tax.

Mr. Harrison proposed, as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do as much work as freemen, and doubted if two effected more than one; that this was proved by the price of labor; the hire of a laborer in the Southern colonies being from 8 to £12, while in the Northern it was generally £24.

Mr. Wilson said, that if this amendment should take place, the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen: that slaves increase the profits of a state, which the Southern states mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern: that slaves occupy the places of freemen and eat their food. Dismiss your slaves, and freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the *jus trium liberorum* to him who would import slaves: that other kinds of property were pretty equally distributed through all the colonies: there were as many cattle, horses and sheep, in the North as the South, and South as the North; but not so as to slaves: that experience has shown that those colonies have been always able to pay most, which have the most inhabitants, whether they be black or white: and the practice of the Southern colonies has always been to make every farmer pay poll taxes upon all his laborers, whether they be black or white. He acknowledges indeed, that freemen work the most; but they consume the most also. They do not produce a greater surplus for taxation. The slave is neither fed nor clothed so expensively as a freeman. Again, white women are exempted from labor generally, but negro women are not. In this then the Southern states have an advantage as the article now stands. It has sometimes been said that slavery is necessary, because the commodities they raise would be too dear for market if cultivated by freemen: but now it is said that the labor of the slave is the dearest.

Mr. Payne urged the original resolution of Congress, to proportion the quotas of the states to the number of souls.

Dr. Witherspoon was of opinion, that the value of lands and houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the states. It has been objected that negroes eat the food of freemen, and therefore should be taxed; horses

also eat the food of freemen; therefore they also should be taxed. It has been said too, that in carrying slaves into the estimate of the taxes the state is to pay, we do no more than those states themselves do, who always take slaves into the estimate of the taxes the individual is to pay. But the cases are not parallel. In the Southern colonies slaves pervade the whole colony; but they do not pervade the whole continent. That as to the original resolution of Congress, to proportion the quotas according to the souls, it was temporary only, and related to the monies heretofore emitted: whereas we are now entering into a new compact, and therefore stand on original ground.

August 1. The question being put, the amendment proposed was rejected by the votes of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, against those of Delaware, Maryland, Virginia, North and South Carolina. Georgia was divided.

The other article was in these words. 'Art. XVII. In determining questions, each colony shall have one vote.'

July 30, 31, August 1. Present forty-one members. Mr. Chase observed that this article was the most likely to divide us, of any one proposed in the draught then under consideration: that the larger colonies had threatened they would not confederate at all, if their weight in Congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union, if they did not retain an equal vote for the protection of their rights. That it was of the utmost consequence to bring the parties together, as should we sever from each other, either no foreign power will ally with us at all, or the different states will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed, which in such a state of separation and independence, would render us a miserable people. That our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made to effect a compromise of this difficult question. He was of opinion, the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and, therefore, that a discrimination should take place among the questions which would come before Congress. That the smaller states should be secured in all questions concerning life or liberty, and the greater ones, in all respecting property. He therefore proposed, that in votes relating to money, the voice of each colony should be proportioned to the number of its inhabitants.

Dr. Franklin thought, that the votes should be so proportioned in all cases. He took notice that the Delaware counties had bound

up their delegates to disagree to this article. He thought it a very extraordinary language to be held by any state, that they would not confederate with us, unless we would let them dispose of our money. Certainly, if we vote equally, we ought to pay equally; but the smaller states will hardly purchase the privilege at this price. That had he lived in a state where the representation, originally equal, had become unequal by time and accident, he might have submitted rather than disturb government: but that we should be very wrong to set out in this practice, when it is in our power to establish what is right. That at the time of the Union between England and Scotland, the latter had made the objection which the smaller states now do; but experience had proved that no unfairness had ever been shewn them: that their advocates had prognosticated that it would again happen, as in times of old, that the whale would swallow Jonas, but he thought the prediction reversed in event, and that Jonas had swallowed the whale; for the Scotch had in fact got possession of the government, and gave laws to the English. He reprobated the original agreement of Congress to vote by colonies, and, therefore, was for their voting, in all cases, according to the number of taxables.

Dr. Witherspoon opposed every alteration of the article. All men admit that a confederacy is necessary. Should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish the glory of our struggle, and lessen its importance; because it will open to our view future prospects of war and dissension among ourselves. If an equal vote be refused, the smaller states will become vassals to the larger; and all experience has shewn that the vassals and subjects of free states are the most enslaved. He instanced the Helots of Sparta, and the provinces of Rome. He observed that foreign powers, discovering this blemish, would make it a handle for disengaging the smaller states from so unequal a confederacy. That the colonies should in fact be considered as individuals; and that, as such, in all disputes, they should have an equal vote; that they are now collected as individuals making a bargain with each other, and, of course, had a right to vote as individuals. That in the East India Company they voted by persons, and not by their proportion of stock. That the Belgic confederacy voted by provinces. That in questions of war the smaller states were as much interested as the larger, and therefore, should vote equally; and indeed, that the larger states were more likely to bring war on the confederacy, in proportion as their frontier was more extensive. He admitted that equality of representation was an excellent principle, but then it must be of things which are co-ordinate; that is, of things simi-

lar, and of the same nature: that nothing relating to individuals could ever come before Congress; nothing but what would respect colonies. He distinguished between an incorporating and a federal union. The union of England was an incorporating one; yet Scotland had suffered by that union; for that its inhabitants were drawn from it by the hopes of places and employments: nor was it an instance of equality of representation; because, while Scotland was allowed nearly a thirteenth of representation, they were to pay only one fortieth of the land tax. He expressed his hopes, that in the present enlightened state of men's minds, we might expect a lasting confederacy, if it was founded on fair principles.

John Adams advocated the voting in proportion to numbers. He said that we stand here as the representatives of the people: that in some states the people are many, in others they are few; that therefore, their vote here should be proportioned to the numbers from whom it comes. Reason, justice and equity never had weight enough on the face of the earth, to govern the councils of men. It is interest alone which does it, and it is interest alone which can be trusted: that therefore the interests, within doors, should be the mathematical representatives of the interests without doors: that the individuality of the colonies is a mere sound. Does the individuality of a colony increase its wealth or numbers? If it does, pay equally. If it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weigh in argument. A. has £50, B. £500, C. £1000, in partnership. Is it just they should equally dispose of the monies of the partnership? It has been said, we are independent individuals making a bargain together. The question is not what we are now, but what we ought to be when our bargain shall be made. The confederacy is to make us one individual only; it is to form us like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy. Therefore all those reasons which prove the justice and expediency of equal representation in other assemblies, hold good here. It has been objected that a proportional vote will endanger the smaller states. We answer that an equal vote will endanger the larger. Virginia, Pennsylvania, and Massachusetts, are the three greater colonies. Consider their distance, their difference of produce, of interests, and of manners, and it is apparent they can never have an interest or inclination to combine for the oppression of the smaller: that the smaller will naturally divide on all questions with the larger. Rhode Island, from its relation, similarity and intercourse, will generally

pursue the same objects with Massachusetts; Jersey, Delaware, and Maryland, with Pennsylvania.

Dr. Rush took notice, that the decay of the liberties of the Dutch republic proceeded from three causes. 1. The perfect unanimity requisite on all occasions. 2. Their obligation to consult their constituents. 3. Their voting by provinces. This last destroyed the equality of representation, and the liberties of Great Britain also, are sinking from the same defect. That a part of our rights is deposited in the hands of our legislatures. There, it was admitted, there should be an equality of representation. Another part of our rights is deposited in the hands of Congress; why is it not equally necessary there should be an equal representation there? Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. Why should not the same majority decide when voting here, by their representatives? The larger colonies are so providentially divided in situation, as to render every fear of their combining visionary. Their interests are different, and their circumstances dissimilar. It is more probable they will become rivals, and leave it in the power of the smaller states to give preponderance to any scale they please. The voting by the number of free inhabitants, will have one excellent effect, that of inducing the colonies to discourage slavery, and to encourage the increase of their free inhabitants.

Mr. Hopkins observed, there were four larger, four smaller, and four middle sized colonies. That the four largest would contain more than half the inhabitants of the confederating states, and therefore would govern the others as they should please. That history affords no instance of such a thing as equal representation. The Germanic body votes by states. The Helvetic body does the same; and so does the Belgic confederacy. That too little is known of the antient confederations, to say what was their practice.

Mr. Wilson thought, that taxation should be in proportion to wealth, but that representation should accord with the number of freemen. That government is a collection or result of the wills of all: that if any government could speak the will of all, it would be perfect; and that, so far as it departs from this, it becomes imperfect. It has been said that Congress is a representation of states, not of individuals. I say, that the objects of its care are all the individuals of the states. It is strange that annexing the name of 'State' to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason. As to those matters which are referred to Congress, we are not so many states; we are one large state. We lay aside our in-

dividuality, whenever we come here. The Germanic body is a burlesque on government: and their practice, on any point, is a sufficient authority and proof that it is wrong. The greatest imperfection in the constitution of the Belgic confederacy, is their voting by provinces. The interest of the whole is constantly sacrificed to that of the small states. The history of the war in the reign of Queen Anne, sufficiently proves this. It is asked, shall nine colonies put it into the power of four, to govern them as they please? I invert the question, and ask, shall two millions of people put it in the power of one million, to govern them as they please? It is pretended, too, that the smaller colonies will be in danger from the greater. Speak in honest language and say, the minority will be in danger from the majority. And is there an assembly on earth, where this danger may not be equally pretended? The truth is, that our proceedings will then be consentaneous with the interests of the majority, and so they ought to be. The probability is much greater, that the larger states will disagree, than that they will combine. I defy the wit of man to invent a possible case, or to suggest any one thing on earth, which shall be for the interests of Virginia, Pennsylvania and Massachusetts, and which will not also be for the interest of the other states.*

These articles, reported July 12, '76, were debated from day to day, and time to time, for two years, were ratified July 9, '78, by ten states, by New-Jersey on the 26th of November of the same year, and by Delaware on the 23rd of February following. Maryland alone held off two years more, acceding to them March 1, '81, and thus closing the obligation.

Our delegation had been renewed for the ensuing year, commencing August 11; but the new government was now organized, a meeting of the legislature was to be held in October, and I had been elected a member by my county. I knew that our legislation, under the regal government, had many very vicious points which urgently required reformation, and I thought I could be of more use in forwarding that work. I therefore retired from my seat in Congress on the 2nd of September, resigned it, and took my place in the legislature of my state, on the 7th of October.

On the 11th, I moved for leave to bring in a bill for the establishment of courts of justice, the organization of which was of importance. I drew the bill; it was approved by the committee, reported and passed, after going through its due course.

On the 12th, I obtained leave to bring in a bill declaring to-

* Here terminate the author's notes of the 'earlier debates on the confederation,' and recommences the MS. begun by him in 1821.

nants in tail to hold their lands in fee simple. In the earlier times of the colony, when lands were to be obtained for little or nothing, some provident individuals procured large grants; and, desirous of founding great families for themselves, settled them on their descendants in fee tail. The transmission of this property from generation to generation, in the same name, raised up a distinct set of families, who, being privileged by law in the perpetuation of their wealth, were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. From this order, too, the king habitually selected his Counsellors of state; the hope of which distinction devoted the whole corps to the interests and will of the crown. To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger, than benefit, to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, and scattered with equal hand through all its conditions, was deemed essential to a well ordered republic. To effect it, no violence was necessary, no deprivation of natural right, but rather an enlargement of it by a repeal of the law. For this would authorize the present holder to divide the property among his children equally, as his affections were divided; and would place them, by natural generation, on the level of their fellow citizens. But this repeal was strongly opposed by Mr. Pendleton, who was zealously attached to antient establishments; and who, taken all in all, was the ablest man in debate I have ever met with. He had not indeed the poetical fancy of Mr. Henry, his sublime imagination, his lofty and overwhelming diction; but he was cool, smooth and persuasive; his language flowing, chaste and embellished; his conceptions quick, acute and full of resource; never vanquished; for if he lost the main battle, he returned upon you, and regained so much of it as to make it a drawn one, by dexterous maneuvres, skirmishes in detail, and the recovery of small advantages which, little singly, were important all together. You never knew when you were clear of him, but were harrassed by his perseverance, until the patience was worn down of all who had less of it than himself. Add to this, that he was one of the most virtuous and benevolent of men, the kindest friend, the most amiable and pleasant of companions, which ensured a favorable reception to whatever came from him. Finding that the general principle of entails could not be maintained, he took his stand on an amendment which he proposed, instead of an absolute abolition, to permit the tenant in tail to convey in fee simple, if he chose it: and he was within a few votes of saving so much of the old law. But the bill passed finally for entire abolition.

In that one of the bills for organizing our judiciary system, which proposed a court of Chancery, I had provided for a trial by jury of all matters of fact, in that as well as in the courts of law. He defeated it by the introduction of four words only, '*if either party choose.*' The consequence has been, that as no suitor will say to his judge 'Sir, I distrust you, give me a jury,' juries are rarely, I might say perhaps never, seen in that court, but when called for by the Chancellor of his own accord.

The first establishment in Virginia which became permanent, was made in 1607. I have found no mention of negroes in the colony until about 1650. The first brought here as slaves were by a Dutch ship; after which the English commenced the trade, and continued it until the revolutionary war. That suspended, *ipso facto*, their further importation for the present, and the business of the war pressing constantly on the legislature, this subject was not acted on finally until the year '78, when I brought in a bill to prevent their further importation. This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.

The first settlers of this colony were Englishmen, loyal subjects to their king and church, and the grant to Sir Walter Raleigh contained an express proviso that their laws 'should not be against the true Christian faith, now professed in the church of England.' As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages. To meet these expenses, all the inhabitants of the parishes were assessed, whether they were or not, members of the established church. Towards Quakers who came here, they were most cruelly intolerant, driving them from the colony by the severest penalties. In process of time, however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these, generally, the emoluments of a classical school, found employment enough, in their farms and school rooms, for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity, the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the pastors of the minority. This unrighteous compulsion, to maintain teachers of what they deemed religious er-

rors, was greviously felt during the regal government, and without a hope of relief. But the first republican legislature, which met in '76, was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendleton and Robert Carter Nicholas; honest men, but zealous churchmen. The petitions were referred to the committee of the whole house on the state of the country; and, after desperate contests in that committee, almost daily from the 11th of October to the 5th of December, we prevailed so far only, as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship: and further, to exempt dissenters from contributions to the support of the established church; and to suspend, only until the next session, levies on the members of that church for the salaries of their own incumbents. For although the majority of our citizens were dissenters, as has been observed, a majority of the legislature were churchmen. Among these, however, were some reasonable and liberal men, who enabled us, on some points, to obtain feeble majorities. But our opponents carried, in the general resolutions of the committee of November 19, a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct. And, in the bill now passed, was inserted an express reservation of the question, Whether a general assessment should not be established by law, on every one, to the support of the pastor of his choice; or whether all should be left to voluntary contributions: and on this question, debated at every session from '76 to '79, (some of our dissenting allies, having now secured their particular object, going over to the advocates of a general assessment,) we could only obtain a suspension from session to session until '79, when the question against a general assessment was finally carried, and the establishment of the Anglican church entirely put down. In justice to the two honest but zealous opponents, who have been named, I must add that although, from their natural temperaments, they were more disposed generally to acquiesce in things as they are, than to risk innovations, yet whenever the public will had once decided, none were more faithful or exact in their obedience to it.

The seat of our government had been originally fixed in the peninsula of Jamestown, the first settlement of the colonists; and had been afterwards removed a few miles inland to Williamsburg. But this was at a time when our settlements had not extended beyond the tide waters. Now they had crossed the Alleganey; and the

centre of population was very far removed from what it had been. Yet Williamsburg was still the depository of our archives, the habitual residence of the Governor and many other of the public functionaries, the established place for the sessions of the legislature, and the magazine of our military stores: and its situation was so exposed that it might be taken at any time in war, and, at this time particularly, an enemy might in the night run up either of the rivers, between which it lies, land a force above, and take possession of the place, without the possibility of saving either persons or things. I had proposed its removal so early as October '76; but it did not prevail until the session of May, '79.

Early in the session of May, '79, I prepared, and obtained leave to bring in a bill, declaring who should be deemed citizens, asserting the natural right of expatriation, and prescribing the mode of exercising it. This, when I withdrew from the house on the 1st of June following, I left in the hands of George Mason, and it was passed on the 26th of that month.

In giving this account of the laws of which I was myself the mover and draughtsman, I, by no means, mean to claim to myself the merit of obtaining their passage. I had many occasional and strenuous coadjutors in debate, and one, most steadfast, able and zealous; who was himself a host. This was George Mason, a man of the first order of wisdom among those who acted on the theatre of the revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth; but his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism, when provocation made it seasonable.

Mr. Wythe, while speaker in the two sessions of 1777, between his return from Congress and his appointment to the Chancery, was an able and constant associate in whatever was before a committee of the whole. His pure integrity, judgment and reasoning powers, gave him great weight. Of him, see more in some notes inclosed in my letter of August 31, 1821, to Mr. John Saunderson.*

Mr. Madison came into the House in 1776, a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate before his removal to the Council of State, in November '77. From thence he went to Congress, then consisting of few members. Trained in these successive schools, he acquired a habit of self-possession, which placed at ready command the rich resources of his luminous and discrimi-

[* See Appendix, note A.]

nating mind, and of his extensive information, and rendered him the first of every assembly afterwards, of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely, in language pure, classical and copious, soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National Convention of 1787; and in that of Virginia which followed, he sustained the new constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr. Henry. With these consummate powers, were united a pure and spotless virtue, which no calumny has ever attempted to sully. Of the powers and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need say nothing. They have spoken, and will forever speak for themselves.

So far we were proceeding in the details of reformation only; selecting points of legislation, prominent in character and principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress in '76, it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government, and, now that we had no negatives of Councils, Governors and Kings to restrain us from doing right, that it should be corrected, in all its parts, with a single eye to reason, and the good of those for whose government it was framed. Early, therefore, in the session of '76, to which I returned, I moved and presented a bill for the revision of the laws; which was passed on the 24th of October, and on the 5th of November, Mr. Pendleton, Mr. Wythe, George Mason, Thomas L. Lee and myself, were appointed a committee to execute the work. We agreed to meet at Fredericksburg to settle the plan of operation, and to distribute the work. We met there accordingly, on the 13th of January, 1777. The first question was, whether we should propose to abolish the whole existing system of laws, and prepare a new and complete Institute, or preserve the general system, and only modify it to the present state of things. Mr. Pendleton, contrary to his usual disposition in favor of antient things, was for the former proposition, in which he was joined by Mr. Lee. To this it was objected, that to abrogate our whole system would be a bold measure, and probably far beyond the views of the legislature; that they had been in the practice of revising, from time to time, the laws of the colony, omitting the expired, the repealed and the obsolete, amending only those retained, and probably meant, we should now do the same, only including the British statutes as well as our own: that to compose a new Institute, like those of Jus-

tinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking, of vast research, of great consideration and judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and its incompetence to express distinctly every shade of idea, would become a subject of question and chicanery, until settled by repeated adjudications; that this would involve us for ages in litigation, and render property uncertain, until, like the statutes of old, every word had been tried and settled by numerous decisions, and by new volumes of reports and commentaries; and that no one of us, probably, would undertake such a work, which to be systematical, must be the work of one hand. This last was the opinion of Mr. Wythe, Mr. Mason and myself. When we proceeded to the distribution of the work, Mr. Mason excused himself, as, being no lawyer, he felt himself unqualified for the work, and he resigned soon after. Mr. Lee excused himself on the same ground, and died indeed in a short time. The other two gentlemen, therefore, and myself divided the work among us. The common law and statutes to the 4. James 1. (when our separate legislature was established) were assigned to me; the British statutes, from that period to the present day, to Mr. Wythe; and the Virginia laws to Mr. Pendleton. As the law of Descents, and the Criminal law fell of course within my portion, I wished the committee to settle the leading principles of these, as a guide for me in framing them; and, with respect to the first, I proposed to abolish the law of primogeniture, and to make real estate descendible in parcenary to the next of kin, as personal property is, by the statute of distribution. Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed, that if the elder son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers and wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony; and such was the decision of the other members.

On the subject of the Criminal law, all were agreed, that the punishment of death should be abolished, except for treason and murder; and that, for other felonies, should be substituted hard labor in the public works, and in some cases, the *Lex talionis*. How this last revolting principle came to obtain our approbation, I do not remember. There remained, indeed, in our laws, a vestige of it in a single case of a slave; it was the English law, in the time of the Anglo-Saxons, copied probably from the Hebrew law of 'an

eye for an eye, a tooth for a tooth,' and it was the law of several antient people; but the modern mind had left it far in the rear of its advances. These points, however, being settled, we repaired to our respective homes for the preparation of the work.

In the execution of my part, I thought it material not to vary the diction of the antient statutes by modernizing it, nor to give rise to new questions by new expressions. The text of these statutes had been so fully explained and defined, by numerous adjudications, as scarcely ever now to produce a question in our courts. I thought it would be useful, also, in all new draughts, to reform the style of the later British statutes, and of our own acts of Assembly; which, from their verbosity, their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty, by *saids* and *aforesaids*, by *ors* and by *ands*, to make them more plain, are really rendered more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves. We were employed in this work from that time to February, 1779, when we met at Williamsburg, that is to say Mr. Pendleton, Mr. Wythe and myself; and meeting day by day, we examined critically our several parts, sentence by sentence, scrutinizing and amending, until we had agreed on the whole. We then returned home, had fair copies made of our several parts, which were reported to the General Assembly, June 18, 1779, by Mr. Wythe and myself, Mr. Pendleton's residence being distant, and he having authorised us by letter to declare his approbation. We had in this work, brought so much of the Common law as it was thought necessary to alter, all the British statutes from *Magna Charta* to the present day, and all the laws of Virginia, from the establishment of our legislature, in the 4th Jac. 1. to the present time, which we thought should be retained, within the compass of one hundred and twenty-six bills, making a printed folio of ninety pages only. Some bills were taken out, occasionally, from time to time, and passed; but the main body of the work was not entered on by the legislature, until, after the general peace, in 1785, when, by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature, with little alteration.

The bill for establishing religious freedom, the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason and right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that its protection of opinion was

meant to be universal. Where the preamble declares, that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the words 'Jesus Christ,' so that it should read, 'a departure from the plan of Jesus Christ, the holy author of our religion;' the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and Infidel of every denomination.

Beccaria, and other writers on crimes and punishments, had satisfied the reasonable world of the unrightfulness and inefficacy of the punishment of crimes by death; and hard labor on roads, canals and other public works, had been suggested as a proper substitute. The Revisors had adopted these opinions; but the general idea of our country had not yet advanced to that point. The bill, therefore, for proportioning crimes and punishments, was lost in the House of Delegates by a majority of a single vote. I learned afterwards, that the substitute of hard labor in public, was tried (I believe it was in Pennsylvania) without success. Exhibited as a public spectacle, with shaved heads and mean clothing, working on the high roads, produced in the criminals such a prostration of character, such an abandonment of self-respect, as, instead of reforming, plunged them into the most desperate and hardened depravity of morals and character. To pursue the subject of this law. —I was written to in 1785 (being then in Paris) by Directors appointed to superintend the building of a Capitol in Richmond, to advise them as to a plan, and to add to it one of a Prison. Thinking it a favorable opportunity of introducing into the state an example of architecture, in the classic style of antiquity, and the Maison quarrée of Nismes, an antient Roman temple, being considered as the most perfect model existing of what may be called Cubic architecture, I applied to M. Clerissault, who had published drawings of the Antiquities of Nismes, to have me a model of the building made in stucco, only changing the order from Corinthian to Ionic, on account of the difficulty of the Corinthian capitals. I yielded, with reluctance, to the taste of Clerissault, in his preference of the modern capital of Scamozzi to the more noble capital of antiquity. This was executed by the artist whom Choiseul Gouffier had carried with him to Constantinople, and employed, while Ambassador there, in making those beautiful models of the remains of Grecian architecture, which are to be seen at Paris. To adapt the exterior to our use, I drew a plan for the interior, with the apartments necessary for legislative, executive and judiciary purposes; and accommodated in their size and distribution to the form and dimensions of the building. These were forwarded

to the Directors, in 1786, and were carried into execution, with some variations, not for the better, the most important of which, however, admit of future correction. With respect to the plan of a Prison, requested at the same time, I had heard of a benevolent society, in England, which had been indulged by the government, in an experiment of the effect of labor, in *solitary confinement*, on some of their criminals; which experiment had succeeded beyond expectation. The same idea had been suggested in France, and an Architect of Lyons had proposed a plan of a well contrived edifice, on the principle of solitary confinement. I procured a copy, and as it was too large for our purposes, I drew one on a scale less extensive, but susceptible of additions as they should be wanting. This I sent to the Directors, instead of a plan of a common prison, in the hope that it would suggest the idea of labor in solitary confinement, instead of that on the public works, which we had adopted in our Revised Code. Its principle, accordingly, but not its exact form, was adopted by Latrobe in carrying the plan into execution, by the erection of what is now called the Penitentiary, built under his direction. In the mean while, the public opinion was ripening, by time, by reflection, and by the example of Pennsylvania, where labor on the highways had been tried, without approbation, from 1786 to '89, and had been followed by their Penitentiary system on the principle of confinement and labor, which was proceeding auspiciously. In 1796, our legislature resumed the subject, and passed the law for amending the Penal laws of the commonwealth. They adopted solitary, instead of public, labor, established a gradation in the duration of the confinement, approximated the style of the law more to the modern usage, and, instead of the settled distinctions of murder and manslaughter, preserved in my bill, they introduced the new terms of murder in the first and second degree. Whether these have produced more or fewer questions of definition, I am not sufficiently informed of our judiciary transactions, to say. I will here, however, insert the text of my bill, with the notes I made in the course of my researches into the subject.*

The acts of Assembly concerning the College of William and Mary, were properly within Mr. Pendleton's portion of our work; but these related chiefly to its revenue, while its constitution, organization and scope of science, were derived from its charter. We thought that on this subject, a systematical plan of general education should be proposed, and I was requested to undertake it. I accordingly prepared three bills for the Revisal, proposing three

[* See Appendix, note E.]

distinct grades of education, reaching all classes. 1st. Elementary schools, for all children generally, rich and poor. 2nd. Colleges, for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in easy circumstances. And, 3rd. an ultimate grade for teaching the sciences generally, and in their highest degree. The first bill proposed to lay off every county into Hundreds, or Wards, of a proper size and population for a school, in which reading, writing and common arithmetic should be taught; and that the whole state should be divided into twenty-four districts, in each of which should be a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of William and Mary college, to enlarge its sphere of science, and to make it in fact a University. The third was for the establishment of a library. These bills were not acted on until the same year, '96, and then only so much of the first as provided for elementary schools. The College of William and Mary was an establishment purely of the Church of England; the Visitors were required to be all of that Church; the Professors to subscribe its thirty-nine Articles; its Students to learn its Catechism; and one of its fundamental objects was declared to be, to raise up Ministers for that Church. The religious jealousies, therefore, of all the dissenters, took alarm lest this might give an ascendancy to the Anglican sect, and refused acting on that bill. Its local eccentricity, too, and unhealthy autumnal climate, lessened the general inclination towards it. And in the Elementary bill, they inserted a provision which completely defeated it; for they left it to the court of each county to determine for itself, when this act should be carried into execution, within their county. One provision of the bill was, that the expenses of these schools should be borne by the inhabitants of the county, every one in proportion to his general tax rate. This would throw on wealth the education of the poor; and the justices, being generally of the more wealthy class, were unwilling to incur that burthen, and I believe it was not suffered to commence in a single county. I shall recur again to this subject, towards the close of my story, if I should have life and resolution enough to reach that term; for I am already tired of talking about myself.

The bill on the subject of slaves, was a mere digest of the existing laws respecting them, without any intimation of a plan for a future and general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment, whenever the bill should be brought on. The principles of the amendment, however, were agreed on, that is to say, the freedom

of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.

I considered four of these bills, passed or reported, as forming a system by which every fibre would be eradicated of antient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth, in select families, and preserve the soil of the country from being daily more and more absorbed in mortmain. The abolition of primogeniture, and equal partition of inheritances, removed the feudal and unnatural distinctions which made one member of every family rich, and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience, relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government: and all this would be effected, without the violation of a single natural right of any one individual citizen. To these, too, might be added, as a further security, the introduction of the trial by jury, into the Chancery courts, which have already ingulphed, and continue to ingulph, so great a proportion of the jurisdiction over our property.

On the 1st of June, 1779, I was appointed Governor of the Commonwealth, and retired from the legislature. Being elected, also, one of the Visitors of William and Mary college, a self-electing body, I effected, during my residence in Williamsburg that year, a change in the organization of that institution, by abolishing the Grammar school, and the two professorships of Divinity and Oriental languages, and substituting a professorship of Law and Police, one of

Anatomy, Medicine and Chemistry, and one of Modern languages; and the charter confining us to six professorships, we added the Law of Nature and Nations, and the Fine Arts to the duties of the Moral professor, and Natural History to those of the professor of Mathematics and Natural Philosophy.

Being now, as it were, identified with the Commonwealth itself, to write my own history, during the two years of my administration, would be to write the public history of that portion of the revolution within this state. This has been done by others, and particularly by Mr. Girardin, who wrote his Continuation of Burke's History of Virginia, while at Milton, in this neighborhood, had free access to all my papers while composing it, and has given as faithful an account as I could myself. For this portion, therefore, of my own life, I refer altogether to his history. From a belief that, under the pressure of the invasion under which we were then laboring, the public would have more confidence in a Military chief, and that the Military commander, being invested with the Civil power also, both might be wielded with more energy, promptitude and effect for the defence of the state, I resigned the administration at the end of my second year, and General Nelson was appointed to succeed me.

Soon after my leaving Congress, in September, '76, to wit, on the last day of that month, I had been appointed, with Dr. Franklin, to go to France, as a Commissioner, to negociate treaties of alliance and commerce with that government. Silas Deane, then in France, acting as* agent for procuring military stores, was joined with us in commission. But such was the state of my family that I could not leave it, nor could I expose it to the dangers of the sea, and of capture by the British ships, then covering the ocean. I saw, too, that the laboring oar was really at home, where much was to be done, of the most permanent interest, in new modelling our governments, and much to defend our fanes and fire-sides from the desolations of an invading enemy, pressing on our country in every point. I declined, therefore, and Dr. Lee was appointed in my place. On the 15th of June, 1781, I had been appointed, with Mr. Adams, Dr. Franklin, Mr. Jay, and Mr. Laurens, a Minister Plenipotentiary for negociating peace, then expected to be effected through the mediation of the Empress of Russia. The same reasons obliged me still to decline; and the negociation was in fact never entered on. But, in the autumn of the next year, 1782, Con-

* His ostensible character was to be that of a merchant, his real one that of agent for military supplies, and also for sounding the dispositions of the government of France, and seeing how far they would favor us, either secretly or openly. His appointment had been by the Committee of foreign correspondence, March, 1776.

gress receiving assurances that a general peace would be concluded in the winter and spring, they renewed my appointment on the 13th of November of that year. I had, two months before that, lost the cherished companion of my life, in whose affections, unabated on both sides, I had lived the last ten years in unchequered happiness. With the public interests, the state of my mind concurred in recommending the change of scene proposed; and I accepted the appointment, and left Monticello on the 19th of December, 1782, for Philadelphia, where I arrived on the 27th. The Minister of France, Luzerne, offered me a passage in the Romulus frigate, which I accepted; but she was then lying a few miles below Baltimore, blocked up in the ice. I remained, therefore, a month in Philadelphia, looking over the papers in the office of State, in order to possess myself of the general state of our foreign relations, and then went to Baltimore, to await the liberation of the frigate from the ice. After waiting there nearly a month, we received information that a Provisional treaty of peace had been signed by our Commissioners on the 3rd of September, 1782, to become absolute, on the conclusion of peace between France and Great Britain. Considering my proceeding to Europe as now of no utility to the public, I returned immediately to Philadelphia, to take the orders of Congress, and was excused by them from further proceeding. I therefore returned home, where I arrived on the 15th of May, 1783.

On the 6th of the following month, I was appointed by the legislature a delegate to Congress, the appointment to take place on the 1st of November ensuing, when that of the existing delegation would expire. I accordingly left home on the 16th of October, arrived at Trenton, where Congress was sitting, on the 3rd of November, and took my seat on the 4th, on which day Congress adjourned, to meet at Annapolis on the 26th.

Congress had now become a very small body, and the members very remiss in their attendance on its duties, insomuch, that a majority of the states, necessary by the Confederation to constitute a House even for minor business, did not assemble until the 13th of December.

They, as early as January 7, 1782, had turned their attention to the monies current in the several states, and had directed the Financier, Robert Morris, to report to them a table of rates, at which the foreign coins should be received at the treasury. That officer, or rather his assistant, Gouverneur Morris, answered them on the 15th, in an able and elaborate statement of the denominations of money current in the several states, and of the comparative value of the foreign coins chiefly in circulation with us. He went into

the consideration of the necessity of establishing a standard of value with us, and of the adoption of a money Unit. He proposed for that Unit, such a fraction of pure silver as would be a common measure of the penny of every state, without leaving a fraction. This common divisor he found to be 1-1440 of a dollar, or 1-1600 of the crown sterling. The value of a dollar was, therefore, to be expressed by 1440 units, and of a crown by 1600; each Unit containing a quarter of a grain of fine silver. Congress turning again their attention to this subject the following year, the Financier, by a letter of April 30, 1783, further explained and urged the Unit he had proposed: but nothing more was done on it until the ensuing year, when it was again taken up, and referred to a committee, of which I was a member. The general views of the Financier were sound, and the principle was ingenious on which he proposed to found his Unit; but it was too minute for ordinary use, too laborious for computation, either by the head or in figures. The price of a loaf of bread, 1-20 of a dollar, would be 72 units.

A pound of butter, 1-5 of a dollar, 288 units.

A horse, or bullock, of eighty dollars value, would require a notation of six figures, to wit, 115,200, and the public debt, suppose of eighty millions, would require twelve figures, to wit, 115,200,000,000 Units. Such a system of money-arithmetic would be entirely unmanageable for the common purposes of society. I proposed, therefore, instead of this, to adopt the Dollar as our Unit of account and payment, and that its divisions and subdivisions should be in the decimal ratio. I wrote some Notes on the subject, which I submitted to the consideration of the Financier. I received his answer and adherence to his general system, only agreeing to take for his Unit one hundred of those he first proposed, so that a Dollar should be 14 40-100, and a crown 16 Units. I replied to this, and printed my notes and reply on a flying sheet, which I put into the hands of the members of Congress for consideration, and the Committee agreed to report on my principle. This was adopted the ensuing year, and is the system which now prevails. I insert, here, the Notes and Reply, as shewing the different views on which the adoption of our money system hung.* The divisions into dismes, cents and mills is now so well understood, that it would be easy of introduction into the kindred branches of weights and measures. I use, when I travel, an Odometer of Clarke's invention, which divides the mile into cents, and I find every one comprehends a distance readily, when stated to him in miles and cents; so he would in feet and cents, pounds and cents, &c.

[* See Appendix, note F.]

The remissness of Congress, and their permanent session, began to be a subject of uneasiness; and even some of the legislatures had recommended to them intermissions, and periodical sessions. As the Confederation had made no provision for a visible head of the government, during vacations of Congress, and such a one was necessary to superintend the executive business, to receive and communicate with foreign ministers and nations, and to assemble Congress on sudden and extraordinary emergencies, I proposed, early in April, the appointment of a committee, to be called the 'Committee of the States,' to consist of a member from each state, who should remain in session during the recess of Congress: that the functions of Congress should be divided into executive and legislative, the latter to be reserved, and the former, by a general resolution, to be delegated to that Committee. This proposition was afterwards agreed to; a Committee appointed, who entered on duty on the subsequent adjournment of Congress, quarrelled very soon, split into two parties, abandoned their post, and left the government without any visible head, until the next meeting of Congress. We have since seen the same thing take place, in the Directory of France; and I believe it will forever take place in any Executive consisting of a plurality. Our plan, best, I believe, combines wisdom and practicability, by providing a plurality of Counsellors, but a single Arbiter for ultimate decision. I was in France when we heard of this schism, and separation of our Committee, and, speaking with Dr. Franklin of this singular disposition of men to quarrel, and divide into parties, he gave his sentiments, as usual, by way of Apologue. He mentioned the Eddystone light-house, in the British channel, as being built on a rock, in the mid-channel, totally inaccessible in winter, from the boisterous character of that sea, in that season; that, therefore, for the two keepers employed to keep up the lights, all provisions for the winter were necessarily carried to them in autumn, as they could never be visited again till the return of the milder season; that, on the first practicable day in the spring, a boat put off to them with fresh supplies. The boatmen met at the door one of the keepers, and accosted him with a 'How goes it, friend? Very well. How is your companion? I do not know. Don't know? Is not he here? I can't tell. Have not you seen him to-day? No. When did you see him? Not since last fall. You have killed him? Not I, indeed.' They were about to lay hold of him, as having certainly murdered his companion: but he desired them to go up stairs and examine for themselves. They went up, and there found the other keeper. They had quarrelled, it seems, soon after being left there, had divided into two parties, assigned

the cares below to one, and those above to the other, and had never spoken to, or seen, one another since.

But to return to our Congress at Annapolis. The definitive treaty of peace which had been signed at Paris on the 3rd of September, 1783, and received here, could not be ratified without a House of nine states. On the 23d of December, therefore, we addressed letters to the several Governors, stating the receipt of the definitive treaty; that seven states only were in attendance, while nine were necessary to its ratification; and urging them to press on their delegates the necessity of their immediate attendance. And on the 26th, to save time, I moved that the Agent of Marine (Robert Morris) should be instructed to have ready a vessel at this place, at New York, and at some Eastern port, to carry over the ratification of the treaty when agreed to. It met the general sense of the House, but was opposed by Dr. Lee, on the ground of expense, which it would authorize the Agent to incur for us; and, he said, it would be better to ratify at once, and send on the ratification. Some members had before suggested, that seven states were competent to the ratification. My motion was therefore postponed, and another brought forward by Mr. Read, of South Carolina, for an immediate ratification. This was debated the 26th and 27th. Read, Lee, Williamson and Jeremiah Chase, urged that ratification was a mere matter of form, that the treaty was conclusive from the moment it was signed by the ministers; that, although the Confederation requires the assent of *nine states* to *enter into* a treaty, yet, that its conclusion could not be called the *entrance into it;* that supposing nine states requisite, it would be in the power of five states to keep us always at war; that nine states had virtually authorized the ratification, having ratified the provisional treaty, and instructed their ministers to agree to a definitive one in the same terms, and the present one was, in fact, substantially, and almost verbatim, the same; that there now remain but sixty-seven days for the ratification, for its passage across the Atlantic, and its exchange; that there was no hope of our soon having nine states present; in fact, that this was the ultimate point of time to which we could venture to wait; that if the ratification was not in Paris by the time stipulated, the treaty would become void; that if ratified by seven states, it would go under our seal, without its being known to Great Britain that only seven had concurred; that it was a question of which they had no right to take cognizance, and we were only answerable for it to our constituents; that it was like the ratification which Great Britain had received from the Dutch, by the negociations of Sir William Temple.

On the contrary, it was argued by Monroe, Gerry, Howel, Ellery and myself, that by the modern usage of Europe, the ratification was considered as the act which gave validity to a treaty, until which, it was not obligatory.* That the commission to the ministers, reserved the ratification to Congress; that the treaty itself stipulated, that it should be ratified; that it became a second question, who were competent to the ratification? That the Confederation expressly required nine states to enter into any treaty; that, by this, that instrument must have intended, that the assent of nine states should be necessary, as well to the *completion* as to the *commencement* of the treaty, its object having been to guard the rights of the Union in all those important cases, where nine states are called for; that by the contrary construction, seven states, containing less than one third of our whole citizens, might rivet on us a treaty, commenced indeed under commission and instructions from nine states, but formed by the minister in express contradiction to such instructions, and in direct sacrifice of the interests of so great a majority; that the definitive treaty was admitted not to be a verbal copy of the provisional one, and whether the departures from it were of substance, or not, was a question on which nine states alone were competent to decide; that the circumstances of the ratification of the provisional articles by nine states, the instructions to our ministers to form a definitive one by them, and their actual agreement in substance, do not render us competent to ratify in the present instance; if these circumstances are in themselves a ratification, nothing further is requisite than to give attested copies of them, in exchange for the British ratification; if they are not, we remain where we were, without a ratification by nine states, and incompetent ourselves to ratify; that it was but four days since the seven states, now present, unanimously concurred in a resolution, to be forwarded to the Governors of the absent states, in which they stated, as a cause for urging on their delegates, that nine states were necessary to ratify the treaty; that in the case of the Dutch ratification, Great Britain had courted it, and therefore was glad to accept it as it was; that they knew our Constitution, and would object to a ratification by seven; that, if that circumstance was kept back, it would be known hereafter, and would give them ground to deny the validity of a ratification, into which they should have been surprized and cheated, and it would be a dishonorable prostitution of our seal; that there is a hope of nine states; that if the treaty would become null, if not ratified in time, it would not be saved by an imperfect ratification; but that, in fact, it would not

* Vattel L. 2. § 156. L. 4. § 77. 1. Mably Droit D'Europe 86.

be null, and would be placed on better ground, going in unexceptionable form, though a few days too late, and rested on the small importance of this circumstance, and the physical impossibilities which had prevented a punctual compliance in point of time; that this would be approved by all nations, and by Great Britain herself, if not determined to renew the war, and if so determined, she would never want excuses, were this out of the way. Mr. Read gave notice, he should call for the yeas and nays; whereon those in opposition, prepared a resolution, expressing pointedly the reasons of their dissent from his motion. It appearing, however, that his proposition could not be carried, it was thought better to make no entry at all. Massachusetts alone would have been for it; Rhode Island, Pennsylvania and Virginia against it, Delaware, Maryland and North Carolina, would have been divided.

Our body was little numerous, but very contentious. Day after day, was wasted on the most unimportant questions. A member, one of those afflicted with the morbid rage of debate, of an ardent mind, prompt imagination, and copious flow of words, who heard with impatience any logic which was not his own, sitting near me on some occasion of a trifling but wordy debate, asked me how I could sit in silence, hearing so much false reasoning, which a word should refute? I observed to him, that to refute indeed was easy, but to silence impossible; that in measures brought forward by myself, I took the laboring oar, as was incumbent on me; but that in general, I was willing to listen; that if every sound argument or objection was used by some one or other of the numerous debaters, it was enough; if not, I thought it sufficient to suggest the omission, without going into a repetition of what had been already said by others: that this was a waste and abuse of the time and patience of the House, which could not be justified. And I believe, that if the members of deliberate bodies were to observe this course generally, they would do in a day, what takes them a week; and it is really more questionable, than may at first be thought, whether Bonaparte's dumb legislature, which said nothing, and did much, may not be preferable to one which talks much, and does nothing. I served with General Washington in the legislature of Virginia, before the revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point, which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is, to question every thing, yield nothing, and talk by the hour?

That one hundred and fifty lawyers should do business together, ought not to be expected. But to return again to our subject.

Those who thought seven states competent to the ratification, being very restless under the loss of their motion, I proposed, on the third of January, to meet them on middle ground, and therefore moved a resolution, which premised, that there were but seven states present, who were unanimous for the ratification, but that they differed in opinion on the question of competency; that those however in the negative, were unwilling, that any powers which it might be supposed they possessed, should remain unexercised for the restoration of peace, provided it could be done, saving their good faith, and without importing any opinion of Congress, that seven states were competent, and resolving that the treaty be ratified so far as they had power; that it should be transmitted to our ministers, with instructions to keep it uncommunicated; to endeavor to obtain three months longer for exchange of ratifications; that they should be informed, that so soon as nine states shall be present, a ratification by nine shall be sent them: if this should get to them before the ultimate point of time for exchange, they were to use it, and not the other; if not, they were to offer the act of the seven states in exchange, informing them the treaty had come to hand while Congress was not in session, that but seven states were as yet assembled, and these had unanimously concurred in the ratification. This was debated on the third and fourth; and on the fifth, a vessel being to sail for England, from this port, (Annapolis) the House directed the President to write to our ministers accordingly.

January 14. Delegates from Connecticut having attended yesterday, and another from South Carolina coming in this day, the treaty was ratified without a dissenting voice; and three instruments of ratification were ordered to be made out, one of which was sent by Colonel Harmer, another by Colonel Franks, and the third transmitted to the Agent of Marine, to be forwarded by any good opportunity.

Congress soon took up the consideration of their foreign relations. They deemed it necessary to get their commerce placed with every nation, on a footing as favorable as that of other nations; and for this purpose, to propose to each a distinct treaty of commerce. This act too would amount to an acknowledgement, by each, of our independence, and of our reception into the fraternity of nations; which, although as possessing our station of right, and in fact, we would not condescend to ask, we were not unwilling to furnish opportunities for receiving their friendly salutations and welcome. With France, the United Netherlands, and Sweden, we

had already treaties of commerce; but commissions were given for those countries also, should any amendments be thought necessary. The other states to which treaties were to be proposed, were England, Hamburg, Saxony, Prussia, Denmark, Russia, Austria, Venice, Rome, Naples, Tuscany, Sardinia, Genoa, Spain, Portugal, the Porte, Agiers, Tripoli, Tunis, and Morocco.

On the 7th of May, Congress resolved that a Minister Plenipotentiary should be appointed, in addition to Mr. Adams and Dr. Franklin, for negotiating treaties of commerce with foreign nations, and I was elected to that duty. I accordingly left Annapolis on the 11th, took with me my eldest daughter, then at Philadelphia, (the two others being too young for the voyage) and proceeded to Boston, in quest of a passage. While passing through the different states, I made a point of informing myself of the state of the commerce of each, went on to New Hampshire with the same view, and returned to Boston. Thence I sailed on the 5th of July, in the Ceres, a merchant ship of Mr. Nathaniel Tracey, bound to Cowes. He was himself a passenger, and, after a pleasant voyage of nineteen days, from land to land, we arrived at Cowes on the 26th. I was detained there a few days by the indisposition of my daughter. On the 30th, we embarked for Havre, arrived there on the 31st, left it on the 3rd of August, and arrived at Paris on the 6th. I called immediately on Dr. Franklin, at Passy, communicated to him our charge, and we wrote to Mr. Adams, then at the Hague, to join us at Paris.

Before I had left America, that is to say, in the year 1781, I had received a letter from M. de Marbois, of the French legation in Philadelphia, informing me, he had been instructed by his government to obtain such statistical accounts of the different states of our Union, as might be useful for their information; and addressing to me a number of queries relative to the state of Virginia. I had always made it a practice, whenever an opportunity occurred of obtaining any information of our country, which might be of use to me in any station, public or private, to commit it to writing. These memoranda were on loose papers, bundled up without order, and difficult of recurrence, when I had occasion for a particular one. I thought this a good occasion to embody their substance, which I did in the order of Mr. Marbois' queries, so as to answer his wish, and to arrange them for my own use. Some friends, to whom they were occasionally communicated, wished for copies; but their volume rendering this too laborious by hand, I proposed to get a few printed, for their gratification. I was asked such a price however, as exceeded the importance of the object. On my arrival at Paris, I found it could be done for a fourth of what

I had been asked here. I therefore corrected and enlarged them, and had two hundred copies printed, under the title of 'Notes on Virginia.' I gave a very few copies to some particular friends in Europe, and sent the rest to my friends in America. An European copy, by the death of the owner, got into the hands of a bookseller, who engaged its translation, and when ready for the press, communicated his intentions and manuscript to me, suggesting that I should correct it, without asking any other permission for the publication. I never had seen so wretched an attempt at translation. Interverted, abridged, mutilated, and often reversing the sense of the original, I found it a blotch of errors, from beginning to end. I corrected some of the most material, and, in that form, it was printed in French. A London bookseller, on seeing the translation, requested me to permit him to print the English original. I thought it best to do so, to let the world see that it was not really so bad as the French translation had made it appear. And this is the true history of that publication.

Mr. Adams soon joined us at Paris, and our first employment was to prepare a general form, to be proposed to such nations as were disposed to treat with us. During the negotiations for peace with the British Commissioner, David Hartley, our Commissioners had proposed, on the suggestion of Dr. Franklin, to insert an article, exempting from capture by the public or private armed ships, of either belligerent, when at war, all merchant vessels and their cargoes, employed merely in carrying on the commerce between nations. It was refused by England, and unwisely, in my opinion. For, in the case of a war with us, their superior commerce places infinitely more at hazard on the ocean, than ours; and, as hawks abound in proportion to game, so our privateers would swarm, in proportion to the wealth exposed to their prize, while theirs would be few, for want of subjects of capture. We inserted this article in our form, with a provision against the molestation of fishermen, husbandmen, citizens unarmed, and following their occupations in unfortified places, for the humane treatment of prisoners of war, the abolition of contraband of war, which exposes merchant vessels to such vexatious and ruinous detentions and abuses; and for the principle of free bottoms, free goods.

In a conference with the Count de Vergennes, it was thought better to leave to legislative regulation, on both sides, such modifications of our commercial intercourse, as would voluntarily flow from amicable dispositions. Without urging, we sounded the ministers of the several European nations, at the court of Versailles, on their dispositions towards mutual commerce, and the expediency of encouraging it by the protection of a treaty. Old Frederic, of

Prussia, met us cordially, and without hesitation, and, appointing the Baron de Thulemeyer, his minister at the Hague, to negotiate with us, we communicated to him our Projét, which, with little alteration by the King, was soon concluded. Denmark and Tuscany, entered also into negotiations with us. Other powers appearing indifferent, we did not think it proper to press them. They seemed, in fact, to know little about us, but as rebels, who had been successful in throwing off the yoke of the mother country. They were ignorant of our commerce, which had been always monopolized by England, and of the exchange of articles, it might offer advantageously to both parties. They were inclined, therefore, to stand aloof, until they could see better what relations might be usefully instituted with us. The negotiations, therefore, begun with Denmark and Tuscany, we protracted designedly, until our powers had expired; and abstained from making new propositions to others having no colonies; because our commerce being an exchange of raw for wrought materials, is a competent price for admission into the colonies of those possessing them; but were we to give it, without price, to others, all would claim it, without price, on the ordinary ground of *gentis amicissimae.*

Mr. Adams being appointed Minister Plenipotentiary of the United States, to London, left us in June, and in July, 1785, Dr. Franklin returned to America, and I was appointed his successor at Paris. In February, 1786, Mr. Adams wrote to me, pressingly, to join him in London immediately, as he thought he discovered there some symptoms of better disposition towards us. Colonel Smith, his secretary of legation, was the bearer of his urgencies for my immediate attendance. I, accordingly, left Paris on the 1st of March, and, on my arrival in London, we agreed on a very summary form of treaty, proposing an exchange of citizenship for our citizens, our ships, and our productions generally, except as to office. On my presentation, as usual, to the King and Queen, at their levées, it was impossible for any thing to be more ungracious, than their notice of Mr. Adams and myself. I saw, at once, that the ulcerations of mind in that quarter, left nothing to be expected on the subject of my attendance; and, on the first conference with the Marquis of Caermarthen, the Minister for foreign affairs, the distance and disinclination which he betrayed in his conversation, the vagueness and evasions of his answers to us, confirmed me in the belief of their aversion to have any thing to do with us. We delivered him, however, our Projét, Mr. Adams not despairing as much as I did, of its effect. We afterwards, by one or more notes, requested his appointment of an interview and conference, which, without directly declining, he evaded, by pretences of other

pressing occupations for the moment. After staying there seven weeks, till within a few days of the expiration of our commission, I informed the minister, by note, that my duties at Paris required my return to that place, and that I should, with pleasure, be the bearer of any commands to his Ambassador there. He answered, that he had none, and, wishing me a pleasant journey, I left London the 26th, and arrived at Paris the 30th of April.

While in London, we entered into negotiations with the Chevalier Pinto, Ambassador of Portugal, at that place. The only article of difficulty between us was, a stipulation that our bread stuff should be received in Portugal, in the form of flour as well as of grain. He approved of it himself, but observed that several Nobles, of great influence at their court, were the owners of windmills in the neighborhood of Lisbon, which depended much for their profits on manufacturing our wheat, and that this stipulation would endanger the whole treaty. He signed it, however, and its fate was what he had candidly portended.

My duties, at Paris, were confined to a few objects; the receipt of our whale-oils, salted fish, and salted meats, on favorable terms; the admission of our rice on equal terms with that of Piedmont, Egypt and the Levant; a mitigation of the monopolies of our tobacco by the Farmers-general, and a free admission of our productions into their islands, were the principal commercial objects which required attention; and, on these occasions, I was powerfully aided by all the influence and the energies of the Marquis de La Fayette, who proved himself equally zealous for the friendship and welfare of both nations; and, in justice, I must also say, that I found the government entirely disposed to befriend us on all occasions, and to yield us every indulgence, not absolutely injurious to themselves. The Count De Vergennes had the reputation, with the diplomatic corps, of being wary and slippery in his diplomatic intercourse; and so he might be, with those whom he knew to be slippery, and double faced themselves. As he saw that I had no indirect views, practised no subtleties, meddled in no intrigues, pursued no concealed object, I found him as frank, as honorable, as easy of access to reason, as any man with whom I had ever done business; and I must say the same for his successor, Montmorin, one of the most honest and worthy of human beings.

Our commerce, in the Mediterranean, was placed under early alarm, by the capture of two of our vessels and crews by the Barbary cruisers. I was very unwilling that we should acquiesce in the European humiliation, of paying a tribute to those lawless pirates, and endeavored to form an association of the powers sub-

ject to habitual depredations from them. I accordingly prepared, and proposed to their Ministers at Paris, for consultation with their governments, articles of a special confederation, in the following form.

'Proposals for concerted operation among the powers at war with the piratical States of Barbary.

1. It is proposed, that the several powers at war with the piratical States of Barbary, or any two or more of them who shall be willing, shall enter into a convention to carry on their operations against those States, in concert, beginning with the Algerines.

2. This convention shall remain open to any other power, who shall, at any future time, wish to accede to it; the parties reserving the right to prescribe the conditions of such accession, according to the circumstances existing at the time it shall be proposed.

3. The object of the convention shall be, to compel the piratical States to perpetual peace, without price, and to guaranty that peace to each other.

4. The operations for obtaining this peace, shall be constant cruizes on their coast, with a naval force now to be agreed on. It is not proposed, that this force shall be so considerable as to be inconvenient to any party. It is believed that half a dozen frigates, with as many Tenders or Xebecs, one half of which shall be in cruize, while the other half is at rest, will suffice.

5. The force agreed to be necessary, shall be furnished by the parties, in certain quotas, now to be fixed; it being expected, that each will be willing to contribute, in such proportion as circumstances may render reasonable.

6. As miscarriages often proceed from the want of harmony among officers of different nations, the parties shall now consider and decide, whether it will not be better to contribute their quotas in money, to be employed in fitting out and keeping on duty, a single fleet of the force agreed on.

7. The difficulties and delays, too, which will attend the management of these operations, if conducted by the parties themselves separately, distant as their courts may be from one another, and incapable of meeting in consultation, suggest a question, whether it will not be better for them to give full powers, for that purpose, to their Ambassadors, or other Ministers resident at some one court of Europe, who shall form a Committee, or Council, for carrying this convention into effect; wherein, the vote of each member shall be computed in proportion to the quota of his sovereign, and the majority so computed, shall prevail in all questions within the view of this convention. The court of Versailles is proposed, on account of its neighborhood to the Mediterranean, and

because all those powers are represented there, who are likely to become parties to this convention.

8. To save to that Council the embarrassment of personal solicitations for office, and to assure the parties that their contributions will be applied solely to the object for which they are destined, there shall be no establishment of officers for the said Council, such as Commissioners, Secretaries, or any other kind, with either salaries or perquisites, nor any other lucrative appointments but such whose functions are to be exercised on board the said vessels.

9. Should war arise between any two of the parties to this convention, it shall not extend to this enterprize, nor interrupt it; but as to this they shall be reputed at peace.

10. When Algiers shall be reduced to peace, the other piratical States, if they refuse to discontinue their piracies, shall become the objects of this convention, either successively or together, as shall seem best.

11. Where this convention would interfere with treaties actually existing between any of the parties and the said States of Barbary, the treaty shall prevail, and such party shall be allowed to withdraw from the operations against that state.'

Spain had just concluded a treaty with Algiers, at the expense of three millions of dollars, and did not like to relinquish the benefit of that, until the other party should fail in their observance of it. Portugal, Naples, the two Sicilies, Venice, Malta, Denmark and Sweden, were favorably disposed to such an association; but their representatives at Paris expressed apprehensions that France would interfere, and, either openly or secretly, support the Barbary powers; and they required, that I should ascertain the dispositions of the Count de Vergennes on the subject. I had before taken occasion to inform him of what we were proposing, and, therefore, did not think it proper to insinuate any doubt of the fair conduct of his government; but, stating our propositions, I mentioned the apprehensions entertained by us, that England would interfere in behalf of those piratical governments. 'She dares not do it,' said he. I pressed it no further. The other Agents were satisfied with this indication of his sentiments, and nothing was now wanting to bring it into direct and formal consideration, but the assent of our government, and their authority to make the formal proposition. I communicated to them the favorable prospect of protecting our commerce from the Barbary depredations, and for such a continuance of time, as, by an exclusion of them from the sea, to change their habits and characters, from a predatory to an agricultural people: towards which, however, it was expected they would contribute a frigate, and its expenses, to be in constant cruize. But

they were in no condition to make any such engagement. Their recommendatory powers for obtaining contributions, were so openly neglected by the several states, that they declined an engagement which they were conscious they could not fulfil with punctuality; and so it fell through.

*In 1786, while at Paris, I became acquainted with John Ledyard, of Connecticut, a man of genius, of some science, and of fearless courage and enterprize. He had accompanied Captain Cook in his voyage to the Pacific, had distinguished himself on several occasions by an unrivalled intrepidity, and published an account of that voyage, with details unfavorable to Cook's deportment towards the savages, and lessening our regrets at his fate. Ledyard had come to Paris, in the hope of forming a company to engage in the fur trade of the Western coast of America. He was disappointed in this, and, being out of business, and of a roaming, restless character, I suggested to him the enterprize of exploring the Western part of our continent, by passing through St. Petersburgh, to Kamschatka, and procuring a passage thence in some of the Russian vessels to Nootka sound, whence he might make his way across the continent, to the United States; and I undertook to have the permission of the Empress of Russia solicited. He eargerly embraced the proposition, and M. de Sémoulin, the Russian Ambassador, and more particularly Baron Grimm, the special correspondent of the Empress, solicited her permission for him to pass through her dominions, to the Western coast of America. And here I must correct a material error, which I have committed in another place, to the prejudice of the Empress. In writing some notes of the life of Captain Lewis, prefixed to his 'Expedition to the Pacific,' I stated that the Empress gave the permission asked, and afterwards retracted it. This idea, after a lapse of twenty-six years, had so insinuated itself into my mind, that I committed it to paper, without the least suspicion of error. Yet I find, on recurring to my letters of that date, that the Empress refused permission at once, considering the enterprize as entirely chimerical. But Ledyard would not relinquish it, persuading himself, that, by proceeding to St. Petersburg, he could satisfy the Empress of its practicability and obtain her permission. He went accordingly, but she was absent on a visit to some distant part of her dominions,† and he pursued his course to within two

[* In the original MS., the paragraph ending with 'fell through,' terminates page 81; between this page and the next, there is stitched in, a leaf of old writing, constituting a memorandum, whereof note G. in the Appendix, is a copy.]

† The Crimea.

hundred miles of Kamschatka, where he was overtaken by an arrest from the Empress, brought back to Poland, and there dismissed. I must therefore, in justice, acquit the Empress of ever having for a moment countenanced, even by the indulgence of an innocent passage through her territories, this interesting enterprize.

The pecuniary distresses of France, produced this year, a measure of which there had been no example for near two centuries, and the consequences of which, good and evil, are not yet calculable. For its remote causes, we must go a little back.

Celebrated writers of France and England, had already sketched good principles on the subject of government: yet the American Revolution seems first to have awakened the thinking part of the French nation in general, from the sleep of despotism in which they were sunk. The officers too, who had been to America, were mostly young men, less shackled by habit and prejudice, and more ready to assent to the suggestions of common sense, and feeling of common rights, than others. They came back with new ideas and impressions. The press, notwithstanding its shackles, began to disseminate them; conversation assumed new freedoms; Politics became the theme of all societies, male and female, and a very extensive and zealous party was formed, which acquired the appellation of the Patriotic party, who, sensible of the abusive government under which they lived, sighed for occasions of reforming it. This party comprehended all the honesty of the kingdom, sufficiently at leisure to think, the men of letters, the easy Burgeois, the young nobility, partly from reflection, partly from mode; for these sentiments became matter of mode, and as such, united most of the young women to the party. Happily for the nation, it happened, at the same moment, that the dissipations of the Queen and court, the abuses of the pension-list, and dilapidations in the administration of every branch of the finances, had exhausted the treasures and credit of the nation, insomuch, that its most necessary functions were paralyzed. To reform these abuses would have overset the Minister; to impose new taxes by the authority of the King, was known to be impossible, from the determined opposition of the Parliament to their enregistry. No resource remained then, but to appeal to the nation. He advised therefore, the call of an Assembly of the most distinguished characters of the nation, in the hope, that, by promises of various and valuable improvements in the organization and regimen of the government, they would be induced to authorise new taxes, to control the opposition of the Parliament, and to raise the annual revenue to the level of expenditures. An Assembly of Notables therefore, about one hundred and fifty in number, named by the

King, convened on the 22nd of February. The Minister, (Calonne) stated to them, that the annual excess of expenses beyond the revenue, when Louis XVI. came to the throne, was thirty-seven millions of livres; that four hundred and forty millions had been borrowed to re-establish the navy; that the American war had cost them fourteen hundred and forty millions, (two hundred and fifty-six millions of dollars) and that the interest of these sums, with other increased expenses, had added forty millions more to the annual deficit. (But a subsequent and more candid estimate made it fifty-six millions.) He proffered them an universal redress of grievances, laid open those grievances fully, pointed out sound remedies, and, covering his canvass with objects of this magnitude, the deficit dwindled to a little accessory, scarcely attracting attention. The persons chosen, were the most able and independent characters in the kingdom, and their support, if it could be obtained, would be enough for him. They improved the occasion for redressing their grievances, and agreed that the public wants should be relieved; but went into an examination of the causes of them. It was supposed that Colonne was conscious that his accounts could not bear examination; and it was said, and believed, that he asked of the King, to send four members to the Bastile, of whom the Marquis de la Fayette was one, to banish twenty others, and two of his Ministers. The King found it shorter to banish him. His successor went on in full concert with the Assembly. The result was an augmentation of the revenue, a promise of economies in its expenditure, of an annual settlement of the public accounts before a council, which the Comptroller, having been heretofore obliged to settle only with the King in person, of course never settled at all; an acknowledgment that the King could not lay a new tax, a reformation of the Criminal laws, abolition of torture, suppression of corvees, reformation of the gabelles, removal of the interior Custom Houses, free commerce of grain, internal and external, and the establishment of Provincial Assemblies; which, altogether, constituted a great mass of improvement in the condition of the nation. The establishment of the Provincial Assemblies was, in itself, a fundamental improvement. They would be of the choice of the people, one third renewed every year, in those provinces where there are no states, that is to say, over about three fourths of the kingdom. They would be partly an Executive themselves, and partly an Executive Council to the Intendant, to whom the Executive power, in his province, had been heretofore entirely delegated. Chosen by the people, they would soften the execution of hard laws, and, having a right of representation to the King, they would censure bad laws, suggest good ones,

expose abuses, and their representations, when united, would command respect. To the other advantages, might be added the precedent itself of calling the Assemblée des Notables, which would perhaps grow into habit. The hope was, that the improvements thus promised would be carried into effect; that they would be maintained during the present reign, and that that would be long enough for them to take some root in the constitution, so that they might come to be considered as a part of that, and be protected by time, and the attachment of the nation.

The Count de Vergennes had died a few days before the meeting of the Assembly, and the Count de Montmorin had been named minister of foreign affairs, in his place. Villedeuil succeeded Calonne, as Comptroller General, and Lomenie de Bryenne, Archbishop of Thoulouse, afterwards of Sens, and ultimately Cardinal Lomenie, was named Minister principal, with whom the other Ministers were to transact the business of their departments, heretofore done with the King in person; and the Duke de Nivernois, and M. de Malesherbes, were called to the Council. On the nomination of the Minister principal, the Marshals de Segur and de Castries retired from the departments of War and Marine, unwilling to act subordinately, or to share the blame of proceedings taken out of their direction. They were succeeded by the Count de Brienne, brother of the Prime Minister, and the Marquis de la Luzerne, brother to him who had been Minister in the United States.

A dislocated wrist, unsuccessfully set, occasioned advice from my surgeon, to try the mineral waters of Aix, in Provence, as a corroborant. I left Paris for that place therefore, on the 28th of February, and proceeded up the Seine, through Champagne and Burgundy, and down the Rhone through the Beaujolais by Lyons, Avignon, Nismes to Aix; where, finding on trial no benefit from the waters, I concluded to visit the rice country of Piedmont, to see if any thing might be learned there, to benefit the rivalship of our Carolina rice with that, and thence to make a tour of the seaport towns of France, along its Southern and Western coast, to inform myself, if any thing could be done to favor our commerce with them. From Aix, therefore, I took my route by Marseilles, Toulon, Hieres, Nice, across the Col de Tende, by Coni, Turin, Vercelli, Novara, Milan, Pavia, Novi, Genoa. Thence, returning along the coast by Savona, Noli, Albenga, Oneglia, Monaco, Nice, Antibes, Frejus, Aix, Marseilles, Avignon, Nismes, Montpellier, Frontignan, Cette, Agde, and along the canal of Languedoc, by Bezieres, Narbonne, Cascassonne, Castelnaudari, through the Souterrain of St. Feriol, and back by Castelnaudari, to Toulouse;

thence to Montauban, and down the Garonne by Langon to Bordeaux. Thence to Rochefort, la Rochelle, Nantes, L'Orient; then back by Rennes to Nantes, and up the Loire by Angers, Tours, Amboise, Blois to Orleans, thence direct to Paris, where I arrived on the 10th of June. Soon after my return from this journey, to wit, about the latter part of July, I received my younger daughter Maria, from Virginia, by the way of London, the youngest having died some time before.

The treasonable perfidy of the Prince of Orange, Stadtholder and Captain General of the United Netherlands, in the war which England waged against them, for entering into a treaty of commerce with the United States, is known to all. As their Executive officer, charged with the conduct of the war, he contrived to baffle all the measures of the States General, to dislocate all their military plans, and played false into the hands of England against his own country, on every possible occasion, confident in her protection, and in that of the King of Prussia, brother to his Princess. The States General, indignant at this patricidal conduct, applied to France for aid, according to the stipulations of the treaty, concluded with her in '85. It was assured to them readily, and in cordial terms, in a letter from the Count de Vergennes, to the Marquis de Verac, Ambassador of France at the Hague, of which the following is an extract.

'Extrait de la depèche de Monsieur le Comte de Vergennes à Monsieur le Marquis de Verac, Ambassadeur de France à la Haye, du 1er Mars, 1786.

Le Roi concourrera, autant qu' il sera en son pouvoir, au succes de la chose, et vous inviterez, de sa part, les patriotes de lui communiquer leurs vues, leurs plans, et leurs envieux. Vous les assurerez, que le roi prend un interet veritable à leurs personnes comme à leur cause, et qu' ils peuvent compter sur sa protection. Ils doivent y compter d' autant plus, Monsieur, que nous ne dissimulons pas, que si Monsieur le Stadhoulder reprend son ancienne influence, le systeme Anglois ne tardera pas de prevaloir, et que notre alliance deviendroit un être de raison. Les Patriotes sentiront facilement, que cette position seroit incompatible avec la dignite, comme avec la consideration de sa majeste. Mais dans le cas, Monsieur, ou les chefs des Patriotes auroient à craindre une scission, ils auroient le temps suffisant pour ramener ceux de leurs amis, que les Anglomanes ont egares, et preparer les choses, de manière que la question de nouveau mise en deliberation, soit decidee selon leurs desirs. Dans cette hypothese, le roi vous autorise à agir de concert avec eux, de suivre la direction qu' ils jugeront devoir vous donner, et d' employer tous les moyens

pour augmenter le nombre des partisans de la bonne cause. Il me reste, Monsieur, de vous parler de la surete personelle des Patriotes. Vous les assurerez, que dans tout etat de cause, le roi les prend sous sa protection immediate, et vous ferez connoitre, partout ou vous le jugerez necessaire, que sa Majeste regarderoit comme une offense personnelle, tout ce qu' on entreprenderoit contre leur liberte. Il est à presumer que ce langage, tenu avec energie, en imposera a l'audace des Anglomanes, et que Monsieur le Prince de Nassau croira courir quelque risque en provoquant le ressentiment de sa Majesté.'*

This letter was communicated by the Patriots to me, when at Amsterdam, in 1788, and a copy sent by me to Mr. Jay, in my letter to him of March 16, 1788.

The object of the Patriots was, to establish a representative and republican government. The majority of the States General were with them, but the majority of the populace of the towns was with the Prince of Orange; and that populace was played off with great effect, by the triumvirate of * * * Harris, the English Ambassador, afterwards Lord Malmesbury, the Prince of Orange, a stupid man, and the Princess as much a man as either of her colleagues, in audaciousness, in enterprize, and in the thirst of domination. By these, the mobs of the Hague were excited against the members of the States General; their persons were insulted, and endangered in the streets; the sanctuary of their houses was violated;

[* Extract from the despatch of the Count de Vergennes, to the Marquis de Verac, Ambassador from France, at the Hague, dated March 1, 1786.

'The King will give his aid, as far as may be in his power, towards the success of the affair, and will, on his part, invite the Patriots to communicate to him their views, their plans, and their discontents. You may assure them that the King takes a real interest in themselves, as well as their cause, and that they may rely upon his protection. On this they may place the greater dependance, as we do not conceal, that if the Stadtholder resumes his former influence, the English System will soon prevail, and our alliance become a mere affair of the imagination. The Patriots will readily feel, that this position would be incompatible both with the dignity and consideration of his Majesty. But in case the chief of the Patriots should have to fear a division, they would have time sufficient to reclaim those whom the Anglomaniacs had misled, and to prepare matters in such a manner, that the question when again agitated, might be decided according to their wishes. In such a hypothetical case, the King authorizes you to act in concert with them, to pursue the direction which they may think proper to give you, and to employ every means to augment the number of the partisans of the good cause. It remains for me to speak of the personal security of the Patriots. You may assure them, that under every circumstance, the King will take them under his immediate protection, and you will make known wherever you may judge necessary, that his Majesty will regard, as a personal offence, every undertaking against their liberty. It is to be presumed that this language, energetically maintained, may have some effect on the audacity of the Anglomaniacs, and that the Prince de Nassau will feel that he runs some risk in provoking the resentment of his Majesty.']

and the Prince, whose function and duty it was to repress and punish these violations of order, took no steps for that purpose. The States General, for their own protection, were therefore obliged to place their militia under the command of a Committee. The Prince filled the courts of London and Berlin with complaints at this usurpation of his prerogatives, and, forgetting that he was but the first servant of a Republic, marched his regular troops against the city of Utrecht, where the States were in session. They were repulsed by the militia. His interests now became marshaled with those of the public enemy, and against his own country. The States, therefore, exercising their rights of sovereignty, deprived him of all his powers. The great Frederic had died in August, '86. He had never intended to break with France in support of the Prince of Orange. During the illness of which he died, he had, through the Duke of Brunswick, declared to the Marquis de La Fayette, who was then at Berlin, that he meant not to support the English interest in Holland: that he might assure the government of France, his only wish was, that some honorable place in the Constitution should be reserved for the Stadtholder and his children, and that he would take no part in the quarrel, unless an entire abolition of the Stadtholderate should be attempted. But his place was now occupied by Frederic William, his great nephew, a man of little understanding, much caprice, and very inconsiderate: and the Princess, his sister, although her husband was in arms against the legitimate authorities of the country, attempting to go to Amsterdam, for the purpose of exciting the mobs of that place, and being refused permission to pass a military post on the way, he put the Duke of Brunswick at the head of twenty thousand men, and made demonstrations of marching on Holland. The King of France hereupon declared, by his Chargé des Affaires in Holland, that if the Prussian troops continued to menace Holland with an invasion, his Majesty, in quality of Ally, was determined to succor that province. In answer to this, Eden gave official information to Count Montmorin, that England must consider as at an end, its convention with France relative to giving notice of its naval armaments, and that she was arming generally. War being now imminent, Eden, since Lord Aukland, questioned me on the effect of our treaty with France, in the case of a war, and what might be our dispositions. I told him frankly, and without hesitation, that our dispositions would be neutral, and that I thought it would be the interest of both these powers that we should be so; because, it would relieve both from all anxiety as to feeding their West India islands; that England, too, by suffering us to remain so, would avoid a heavy land war on our Continent, which

might very much cripple her proceedings elsewhere; that our treaty, indeed, obliged us to receive into our ports the armed vessels of France, with their prizes, and to refuse admission to the prizes made on her by her enemies: that there was a clause, also, by which we guarantied to France her American possessions, which might perhaps force us into the war, if these were attacked.' 'Then it will be war,' said he, 'for they will assuredly be attacked.' Liston, at Madrid, about the same time, made the same enquiries of Carmichael. The government of France then declared a determination to form a camp of observation at Givet, commenced arming her marine, and named the Bailli de Suffrein their Generalissimo on the Ocean. She secretly engaged, also, in negotiations with Russia, Austria and Spain, to form a quadruple alliance. The Duke of Brunswick having advanced to the confines of Holland, sent some of his officers to Givet, to reconnoitre the state of things there, and report them to him. He said afterwards, that 'if there had been only a few tents at that place, he should not have advanced further, for that the King would not, merely for the interest of his sister, engage in a war with France.' But, finding that there was not a single company there, he boldly entered the country, took their towns as fast as he presented himself before them, and advanced on Utrecht. The States had appointed the Rhingrave of Salm their Commander in chief; a Prince without talents, without courage, and without principle. He might have held out in Utrecht, for a considerable time, but he surrendered the place without firing a gun, literally ran away and hid himself, so that for months it was not known what was become of him. Amsterdam was then attacked, and capitulated. In the mean time, the negotiations for the quadruple alliance were proceeding favorably; but the secrecy with which they were attempted to be conducted, was penetrated by Fraser, Chargé des Affaires of England at St. Petersburg, who instantly notified his court, and gave the alarm to Prussia. The King saw at once what would be his situation, between the jaws of France, Austria, and Russia. In great dismay, he besought the court of London not to abandon him, sent Alvensleben to Paris to explain and sooth; and England, through the Duke of Dorset and Eden, renewed her conferences for accommodation. The Archbishop, who shuddered at the idea of war, and preferred a peaceful surrender of right, to an armed vindication of it, received them with open arms, entered into cordial conferences, and a declaration, and counter-declaration, were cooked up at Versailles, and sent to London for approbation. They were approved there, reached Paris at one o'clock of the 27th, and were signed that night at Versailles. It was said and believed

at Paris, that M. de Montmorin, literally 'pleuroit comme un enfant,' when obliged to sign this counter-declaration; so distressed was he by the dishonor of sacrificing the Patriots, after assurances so solemn of protection, and absolute encouragement to proceed. The Prince of Orange was reinstated in all his powers, now become regal. A great emigration of the Patriots took place; all were deprived of office, many exiled, and their property confiscated. They were received in France, and subsisted, for some time, on her bounty. Thus fell Holland, by the treachery of her Chief, from her honorable independence, to become a province of England; and so, also, her Stadtholder, from the high station of the first citizen of a free Republic, to be the servile Viceroy of a foreign Sovereign. And this was effected by a mere scene of bullying and demonstration; not one of the parties, France, England, or Prussia, having ever really meant to encounter actual war for the interest of the Prince of Orange. But it had all the effect of a real and decisive war.

Our first essay, in America, to establish a federative government had fallen, on trial, very short of its object. During the war of Independence, while the pressure of an external enemy hooped us together, and their enterprizes kept us necessarily on the alert, the spirit of the people, excited by danger, was a supplement to the Confederation, and urged them to zealous exertions, whether claimed by that instrument or not; but, when peace and safety were restored, and every man became engaged in useful and profitable occupation, less attention was paid to the calls of Congress. The fundamental defect of the Confederation was, that Congress was not authorised to act immediately on the people, and by its own officers. Their power was only requisitory, and these requisitions were addressed to the several Legislatures, to be by them carried into execution, without other coercion than the moral principle of duty. This allowed, in fact, a negative to every Legislature, on every measure proposed by Congress; a negative so frequently exercised in practice, as to benumb the action of the Federal government, and to render it inefficient in its general objects, and more especially in pecuniary and foreign concerns. The want, too, of a separation of the Legislative, Executive and Judiciary functions, worked disadvantageously in practice. Yet this state of things afforded a happy augury of the future march of our Confederacy, when it was seen that the good sense and good dispositions of the people, as soon as they perceived the incompetence of their first compact, instead of leaving its correction to insurrection and civil war, agreed, with one voice, to elect deputies to a general Convention, who should peaceably meet and agree on

such a Constitution as 'would ensure peace, justice, liberty, the common defence and general welfare.'

This Convention met at Philadelphia on the 25th of May, '87. It sat with closed doors, and kept all its proceedings secret, until its dissolution on the 17th of September, when the results of its labors were published all together. I received a copy, early in November, and read and contemplated its provisions with great satisfaction. As not a member of the Convention, however, nor probably a single citizen of the Union, had approved it in all its parts, so I, too, found articles which I thought objectionable. The absence of express declarations ensuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the Habeas corpus, and trial by jury in Civil, as well as in Criminal cases, excited my jealousy; and the re-eligibility of the President for life, I quite disapproved. I expressed freely, in letters to my friends, and most particularly to Mr. Madison and General Washington, my approbations and objections. How the good should be secured, and the ill brought to rights, was the difficulty. To refer it back to a new Convention, might endanger the loss of the whole. My first idea was, that the nine states first acting, should accept it unconditionally, and thus secure what in it was good, and that the four last should accept on the previous condition, that certain amendments should be agreed to; but a better course was devised, of accepting the whole, and trusting that the good sense and honest intentions of our citizens, would make the alterations which should be deemed necessary. Accordingly, all accepted, six without objection, and seven with recommendations of specified amendments. Those respecting the press, religion, and juries, with several others, of great value, were accordingly made; but the Habeas corpus was left to the discretion of Congress, and the amendment against the re-eligibility of the President was not proposed. My fears of that feature were founded on the importance of the office, on the fierce contentions it might excite among ourselves, if continuable for life, and the dangers of interference, either with money or arms, by foreign nations, to whom the choice of an American President might become interesting. Examples of this abounded in history; in the case of the Roman Emperors, for instance; of the Popes while of any significance; of the German Emperors; the Kings of Poland, and the Deys of Barbary. I had observed, too, in the feudal history, and in the recent instance, particularly, of the Stadtholder of Holland, how easily offices, or tenures for life, slide into inheritances. My wish, therefore, was that the President should be elected for seven years, and be ineligible afterwards. This term I thought suffi-

cient to enable him, with the concurrence of the Legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted, I think, is better, allowing his continuance for eight years, with a liability to be dropped at half way of the term, making that a period of probation. That his continuance should be restrained to seven years, was the opinion of the Convention at an earlier stage of its session, when it voted that term, by a majority of eight against two, and by a simple majority, that he should be ineligible a second time. This opinion was confirmed by the House so late as July 26, referred to the Committee of detail, reported favorably by them, and changed to the present form by final vote, on the last day, but one only, of their session. Of this change, three states expressed their disapprobation; New York, by recommending an amendment, that the President should not be eligible a third time, and Virginia and North Carolina, that he should not be capable of serving more than eight, in any term of sixteen years; and although this amendment has not been made in form, yet practice seems to have established it. The example of four Presidents, voluntarily retiring at the end of their eighth year, and the progress of public opinion, that the principle is salutary, have given it in practice, the force of precedent and usage; insomuch, that should a President consent to be a candidate for a third election, I trust he would be rejected, on this demonstration of ambitious views.

But there was another amendment, of which none of us thought at the time, and in the omission of which, lurks the germ that is to destroy this happy combination of National powers, in the General government, for matters of National concern, and independent powers in the States, for what concerns the States severally. In England, it was a great point gained at the Revolution, that the commissions of the Judges, which had hitherto been during pleasure, should thenceforth be made during good behavior. A Judiciary, dependant on the will of the King, had proved itself the most oppressive of all tools, in the hands of that Magistrate. Nothing, then, could be more salutary, than a change there, to the tenure of good behavior; and the question of good behavior, left to the vote of a simple majority in the two Houses of Parliament. Before the Revolution, we were all good English Whigs, cordial in their free principles, and in their jealousies of their Executive Magistrate. These jealousies are very apparent, in all our state Constitutions; and, in the General government in this instance, we have gone even beyond the English caution, by requiring a vote of two thirds, in one of the Houses, for removing a Judge; a vote

so impossible, where* any defence is made, before men of ordinary prejudices and passions, that our Judges are effectually independent of the nation. But this ought not to be. I would not, indeed, make them dependant on the Executive authority, as they formerly were in England; but I deem it indispensable to the continuance of this government, that they should be submitted to some practical and impartial control; and that this, to be impartial, must be compounded of a mixture of State and Federal authorities. It is not enough that honest men are appointed Judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the *esprit de corps*, of their peculiar maxim and creed that 'it is the office of a good Judge to enlarge his jurisdiction,' and the absence of responsibility; and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state, from which they have nothing to hope or fear? We have seen, too, that, contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power. They are then, in fact, the corps of sappers and miners, steadily working to undermine the independent rights of the states, and to consolidate all power in the hands of that government, in which they have so important a freehold estate. But it is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into states, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every state again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. Were we directed from Washington when to sow, and when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed, for the good and prosperity of all. I repeat, that I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested, where its toleration leads to public ruin. As, for the safety of society, we commit honest maniacs to Bedlam, so judges should be

* In the impeachment of Judge Pickering, of New Hampshire, a habitual and maniac drunkard, no defence was made. Had there been, the party vote of more than one third of the Senate would have acquitted him.

withdrawn from their bench, whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the Republic, which is the first and supreme law.

Among the debilities of the government of the Confederation, no one was more distinguished or more distressing, than the utter impossibility of obtaining, from the States, the monies necessary for the payment of debts, or even for the ordinary expenses of the government. Some contributed a little, some less, and some nothing; and the last, furnished at length an excuse for the first, to do nothing also. Mr. Adams, while residing at the Hague, had a general authority to borrow what sums might be requisite, for ordinary and necessary expenses. Interest on the public debt, and the maintenance of the diplomatic establishment in Europe, had been habitually provided in this way. He was now elected Vice President of the United States, was soon to return to America, and had referred our bankers to me for future counsel, on our affairs in their hands. But I had no powers, no instructions, no means, and no familiarity with the subject. It had always been exclusively under his management, except as to occasional and partial deposites in the hands of Mr. Grand, banker in Paris, for special and local purposes. These last had been exhausted for some time, and I had fervently pressed the Treasury board to replenish this particular deposite, as Mr. Grand now refused to make further advances. They answered candidly, that no funds could be obtained until the new government should get into action, and have time to make its arrangements. Mr. Adams had received his appointment to the court of London, while engaged at Paris, with Dr. Franklin and myself, in the negotiations under our joint commissions. He had repaired thence to London, without returning to the Hague, to take leave of that government. He thought it necessary, however, to do so now, before he should leave Europe, and accordingly went there. I learned his departure from London, by a letter from Mrs. Adams, received on the very day on which he would arrive at the Hague. A consultation with him, and some provision for the future, was indispensable, while we could yet avail ourselves of his powers; for when they would be gone, we should be without resource. I was daily dunned by a Company who had formerly made a small loan to the United States, the principal of which was now become due; and our bankers in Amsterdam, had notified me that the interest on our general debt would be expected in June; that if we failed to pay it, it would be deemed an act of bankruptcy, and would effectually destroy the credit of the United States, and all future prospect of obtaining money there; that the loan they had been authorised to open,

of which a third only was filled, had now ceased to get forward, and rendered desperate that hope of resource. I saw that there was not a moment to lose, and set out for the Hague on the 2nd morning after receiving the information of Mr. Adams's journey. I went the direct road by Louvres, Senlis, Roye, Pont St. Maxence, Bois le duc, Gournay, Peronne, Cambray, Bouchain, Valenciennes, Mons, Bruxelles, Malines, Antwerp, Mordick, and Rotterdam, to the Hague, where I happily found Mr. Adams. He concurred with me at once in opinion, that something must be done, and that we ought to risk ourselves on doing it without instructions, to save the credit of the United States. We foresaw, that before the new government could be adopted, assembled, establish its financial system, get the money into the Treasury, and place it in Europe, considerable time would elapse; that, therefore, we had better provide at once, for the years '88, '89, and '90, in order to place our government at its ease, and our credit in security, during that trying interval. We set out therefore, by the way of Leyden, for Amsterdam, where we arrived on the 10th. I had prepared an estimate, shewing that

		Florins.
There would be necessary for the year		'88—531,937-10
		'89—538,540
		'90—473,540
	Total, Florins.	1,544,017-10
To meet this, the bankers had in hand,	79,268-2-8	
and the unsold bonds would yield,	542,800	622,068-2-8
Leaving a deficit of		921,949-7-4
We proposed then to borrow a million, yielding		920,000
Which would leave a small deficiency of .		1,949-7-4

Mr. Adams accordingly executed 1000 bonds, for 1000 florins each, and deposited them in the hands of our bankers, with instructions, however, not to issue them until Congress should ratify the measure. This done, he returned to London, and I set out for Paris; and, as nothing urgent forbade it, I determined to return along the banks of the Rhine, to Strasburg, and thence strike off to Paris. I accordingly left Amsterdam on the 30th of March, and proceeded by Utrecht, Nimeguen, Cleves, Duysberg, Dusseldorf, Cologne, Bonne, Coblentz, Nassau, Hocheim, Frankfort, and made an excursion to Hanau, then to Mayence, and another excursion to Rudesheim, and Johansberg; then by Oppenheim, Worms, and Manheim, making an excursion to Heidelberg, then by Spire, Carlsruh, Rastadt and Kelh, to Strasburg, where I arrived April the 16th, and proceeded again on the 18th, by Phals-

bourg, Fenestrange, Dieuze, Moyenvie, Nancy, Toul, Ligny, Barleduc, St. Diziers, Vitry, Chalons sur Marne, Epernay, Chateau Thierri, Meaux, to Paris, where I arrived on the 23rd of April: and I had the satisfaction to reflect, that by this journey, our credit was secured, the new government was placed at ease for two years to come, and that, as well as myself, relieved from the torment of incessant duns, whose just complaints could not be silenced by any means within our power.

A Consular Convention had been agreed on in '84, between Dr. Franklin and the French government, containing several articles, so entirely inconsistent with the laws of the several states, and the general spirit of our citizens, that Congress withheld their ratification, and sent it back to me, with instructions to get those articles expunged, or modified so as to render them compatible with our laws. The Minister unwillingly released us from these concessions, which, indeed, authorised the exercise of powers very offensive in a free state. After much discussion, the Convention was reformed in a considerable degree, and was signed by the Count Montmorin and myself, on the 14th of November, '88; not, indeed, such as I would have wished; but such as could be obtained with good humor and friendship.

On my return from Holland, I found Paris as I had left it, still in high fermentation. Had the Archbishop, on the close of the Assembly of Notables, immediately carried into operation the measures contemplated, it was believed they would all have been registered by the Parliament; but he was slow, presented his edicts, one after another, and at considerable intervals, which gave time for the feelings excited by the proceedings of the Notables to cool off, new claims to be advanced, and a pressure to arise for a fixed constitution, not subject to changes at the will of the King. Nor should we wonder at this pressure, when we consider the monstrous abuses of power under which this people were ground to powder; when we pass in review the weight of their taxes, and the inequality of their distribution; the oppressions of the tythes, the tailles, the corvees, the gabelles, the farms and the barriers; the shackles on commerce by monopolies; on industry by guilds and corporations; on the freedom of conscience, of thought, and of speech; on the freedom of the press by the Censure; and of the person by Lettres de Cachet; the cruelty of the Criminal code generally; the atrocities of the Rack; the venality of Judges, and their partialities to the rich; the monopoly of Military honors by the Noblesse; the enormous expenses of the Queen, the Princes and the Court; the prodigalities of pensions; and the riches, luxury, indolence and immorality of the Clergy. Surely under such

a mass of misrule and oppression, a people might justly press for thorough reformation, and might even dismount their rough shod riders, and leave them to walk on their own legs. The edicts, relative to the corvees and free circulation of grain, were first presented to the Parliament and registered; but those for the impôt territorial, and stamp tax, offered some time after, were refused by the Parliament, which proposed a call of the States General, as alone competent to their authorization. Their refusal produced a Bed of justice, and their exile to Troyes. The Advocates, however, refusing to attend them, a suspension in the administration of justice took place. The Parliament held out for a while, but the ennui of their exile and absence from Paris, began at length to be felt, and some dispositions for compromise to appear. On their consent, therefore, to prolong some of the former taxes, they were recalled from exile, the King met them in session, November 19, '87, promised to call the States General in the year '92, and a majority expressed their assent to register an edict for successive and annual loans from 1788 to '92; but a protest being entered by the Duke of Orleans, and this encouraging others in a disposition to retract, the King ordered peremptorily the registry of the edict, and left the assembly abruptly. The Parliament immediately protested, that the votes for the enregistry had not been legally taken, and that they gave no sanction to the loans proposed. This was enough to discredit and defeat them. Hereupon issued another edict, for the establishment of a cour plenière, and the suspension of all the Parliaments in the kingdom. This being opposed, as might be expected, by reclamations from all the Parliaments and Provinces, the King gave way, and by an edict of July 5th, '88, renounced his cour plenière, and promised the States General for the 1st of May, of the ensuing year: and the Archbishop, finding the times beyond his faculties, accepted the promise of a Cardinal's hat, was removed [September '88] from the Ministry, and Mr. Necker was called to the department of finance. The innocent rejoicings of the people of Paris on this change, provoked the interference of an officer of the city guards, whose order for their dispersion not being obeyed, he charged them with fixed bayonets, killed two or three, and wounded many. This dispersed them for the moment, but they collected the next day in great numbers, burnt ten or twelve guard houses, killed two or three of the guards, and lost six or eight more of their own number. The city was hereupon put under Martial law, and after a while the tumult subsided. The effect of this change of ministers, and the promise of the States General at an early day, tranquilized the nation. But two great questions now

occurred. 1st. What proportion shall the number of deputies of the Tiers etat bear to those of the Nobles and Clergy? And 2nd. shall they sit in the same or in distinct apartments? Mr. Necker, desirous of avoiding himself these knotty questions, proposed a second call of the same Notables, and that their advice should be asked on the subject. They met, November 9, '88, and, by five bureaux against one, they recommended the forms of the States General of 1614; wherein the Houses were separate, and voted by orders, not by persons. But the whole nation declaring at once against this, and that the Tiers etat should be, in numbers, equal to both the other orders, and the Parliament deciding for the same proportion, it was determined so to be, by a declaration of December 27th, '88. A Report of Mr. Necker, to the King, of about the same date, contained other very important concessions. 1. That the King could neither lay a new tax, nor prolong an old one. 2. It expressed a readiness to agree on the periodical meeting of the States. 3. To consult on the necessary restriction on Lettres de Cachet; and 4. How far the press might be made free. 5. It admits that the States are to appropriate the public money; and 6. That Ministers shall be responsible for public expenditures. And these concessions came from the very heart of the King. He had not a wish but for the good of the nation; and for that object, no personal sacrifice would ever have cost him a moment's regret; but his mind was weakness itself, his constitution timid, his judgment null, and without sufficient firmness even to stand by the faith of his word. His Queen, too, haughty and bearing no contradiction, had an absolute ascendancy over him; and around her were rallied the King's brother d'Artois, the court generally, and the aristocratic part of his Ministers, particularly Breteuil, Broglio, Vauguyon, Foulon, Luzerne, men whose principles of government were those of the age of Louis XIV. Against this host, the good counsels of Necker, Montmorin, St. Priest, although in unison with the wishes of the King himself, were of little avail. The resolutions of the morning, formed under their advice, would be reversed in the evening, by the influence of the Queen and court. But the hand of Heaven weighed heavily indeed on the machinations of this junto; producing collateral incidents, not arising out of the case, yet powerfully co-exciting the nation, to force a regeneration of its government, and overwhelming, with accumulated difficulties, this liberticide resistance. For, while laboring under the want of money for even ordinary purposes, in a government which required a million of livres a day, and driven to the last ditch by the universal call for liberty, there came on a winter of such severe cold, as was without example in

the memory of man, or in the written records of history. The Mercury was at times 50° below the freezing point of Farenheit, and 22° below that of Reaumur. All out-door labor was suspended, and the poor, without the wages of labor, were, of course, without either bread or fuel. The government found its necessities aggravated by that of procuring immense quantities of firewood, and of keeping great fires at all the cross streets, around which the people gathered in crowds, to avoid perishing with cold. Bread, too, was to be bought, and distributed daily, gratis, until a relaxation of the season should enable the people to work: and the slender stock of bread stuff had for some time threatened famine, and had raised that article to an enormous price. So great, indeed, was the scarcity of bread, that, from the highest to the lowest citizen, the bakers were permitted to deal but a scanty allowance per head, even to those who paid for it; and, in cards of invitation to dine in the richest houses, the guest was notified to bring his own bread. To eke out the existence of the people, every person who had the means, was called on for a weekly subscription, which the Curés collected, and employed in providing messes for the nourishment of the poor, and vied with each other in devising such economical compositions of food, as would subsist the greatest number, with the smallest means. This want of bread had been foreseen for some time past, and M. de Montmorin had desired me to notify it in America, and that, in addition to the market price, a premium should be given on what should be brought from the United States. Notice was accordingly given, and produced considerable supplies. Subsequent information made the importations from America, during the months of March, April and May, into the Atlantic ports of France, amount to about twenty-one thousand barrels of flour, besides what went to other ports, and in other months; while our supplies to their West Indian islands relieved them also from that drain. This distress for bread continued till July.

Hitherto no acts of popular violence had been produced by the struggle for political reformation. Little riots, on ordinary incidents, had taken place as at other times, in different parts of the kingdom, in which some lives, perhaps a dozen or twenty, had been lost; but in the month of April, a more serious one occurred in Paris, unconnected, indeed, with the Revolutionary principle, but making part of the history of the day. The Fauxbourg St. Antoine, is a quarter of the city, inhabited entirely by the class of day laborers and journeymen in every line. A rumor was spread among them, that a great paper manufacturer, of the name of Reveillon, had proposed, on some occasion, that their wages should be lowered

to fifteen sous a day. Inflamed at once into rage, and without enquiring into its truth, they flew to his house in vast numbers, destroyed every thing in it, and in his magazines and work shops, without secreting, however, a pin's worth to themselves, and were continuing this work of devastation, when the regular troops were called in. Admonitions being disregarded, they were of necessity fired on, and a regular action ensued, in which about one hundred of them were killed, before the rest would disperse. There had rarely passed a year without such a riot, in some part or other of the kingdom; and this is distinguished only as cotemporary with the Revolution, although not produced by it.

The States General were opened on the 5th of May, '89, by speeches from the King, the Garde des Sceaux, Lamoignon, and Mr. Necker. The last was thought to trip too lightly over the constitutional reformations which were expected. His notices of them in this speech, were not as full as in his previous 'Rapport au Roi.' This was observed, to his disadvantage: but much allowance should have been made for the situation in which he was placed, between his own counsels, and those of the ministers and party of the court. Overruled in his own opinions, compelled to deliver, and to gloss over those of his opponents, and even to keep their secrets, he could not come forward in his own attitude.

The composition of the Assembly, although equivalent, on the whole, to what had been expected, was something different in its elements. It had been supposed, that a superior education would carry into the scale of the Commons, a respectable portion of the Noblesse. It did so as to those of Paris, of its vicinity, and of the other considerable cities, whose greater intercourse with enlightened society had liberalised their minds, and prepared them to advance up to the measure of the times. But the Noblesse of the country, which constituted two thirds of that body, were far in their rear. Residing constantly on their patrimonial feuds, and familiarised, by daily habit, with Seigneurial powers and practices, they had not yet learned to suspect their inconsistence with reason and right. They were willing to submit to equality of taxation, but not to descend from their rank and prerogatives to be incorporated in session with the Tiers etat. Among the Clergy, on the other hand, it had been apprehended that the higher orders of the Hierarchy, by their wealth and connections, would have carried the elections generally; but it turned out, that in most cases, the lower clergy had obtained the popular majorities. These consisted of the Curés, sons of the peasantry, who had been employed to do all the drudgery of parochial services for ten, twenty, or

thirty Louis a year; while their superiors were consuming their princely revenues, in palaces of luxury and indolence.

The objects for which this body was convened, being of the first order of importance, I felt it very interesting to understand the views of the parties of which it was composed, and especially the ideas prevalent, as to the organization contemplated for their government. I went, therefore, daily from Paris to Versailles, and attended their debates, generally till the hour of adjournment. Those of the Noblesse were impassioned and tempestuous. They had some able men on both sides, actuated by equal zeal. The debates of the Commons were temperate, rational, and inflexibly firm. As preliminary to all other business, the awful questions came on, shall the States sit in one, or in distinct apartments? And shall they vote by heads or houses? The opposition was soon found to consist of the Episcopal order among the clergy, and two thirds of the Noblesse; while the Tiers etat were, to a man, united and determined. After various propositions of compromise had failed, the Commons undertook to cut the Gordian knot. The Abbe Sieyes, the most logical head of the nation, (author of the pamphlet 'Qu'est ce que le Tiers etat?' which had electrified that country, as Paine's Common Sense did us,) after an impressive speech on the 10th of June, moved that a last invitation should be sent to the Nobles and Clergy, to attend in the hall of the States, collectively or individually, for the verification of powers, to which the Commons would proceed immediately, either in their presence or absence. This verification being finished, a motion was made, on the 15th, that they should constitute themselves a National Assembly; which was decided on the 17th, by a majority of four fifths. During the debates on this question, about twenty of the Curés had joined them, and a proposition was made, in the chamber of the Clergy, that their whole body should join. This was rejected, at first, by a small majority only; but, being afterwards somewhat modified, it was decided affirmatively, by a majority of eleven. While this was under debate, and unknown to the court, to wit, on the 19th, a council was held in the afternoon, at Marly, wherein it was proposed that the King should interpose, by a declaration of his sentiments, in a *seance royale*. A form of declaration was proposed by Necker, which, while it censured, in general, the proceedings, both of the Nobles and Commons, announced the King's views, such as substantially to coincide with the Commons. It was agreed to in Council, the *seance* was fixed for the 22nd, the meetings of the States were till then to be suspended, and every thing, in the mean time, kept secret. The members, the next morning (the 20th) repairing to their house, as usual, found

the doors shut and guarded, a proclamation posted up for a *seance royale* on the 22nd, and a suspension of their meetings in the mean time. Concluding that their dissolution was now to take place, they repaired to a building called the 'Jeu de paume' (or Tennis court) and there bound themselves by oath to each other, never to separate, of their own accord, till they had settled a constitution for the nation, on a solid basis, and, if separated by force, that they would reassemble in some other place. The next day, they met in the church of St. Louis, and were joined by a majority of the clergy. The heads of the Aristocracy saw that all was lost without some bold exertion. The King was still at Marly. No body was permitted to approach him but their friends. He was assailed by falsehoods in all shapes. He was made to believe that the Commons were about to absolve the army from their oath of fidelity to him, and to raise their pay. The court party were now all rage and desperation. They procured a committee to be held, consisting of the King and his Ministers, to which Monsieur and the Count d'Artois should be admitted. At this committee, the latter attacked Mr. Necker personally, arraigned his declaration, and proposed one, which some of his prompters had put into his hands. Mr. Necker was brow-beaten and intimidated, and the King shaken. He determined that the two plans should be deliberated on, the next day, and the *seance royale* put off a day longer. This encouraged a fiercer attack on Mr. Necker the next day. His draught of a declaration was entirely broken up, and that of the Count d'Artois inserted into it. Himself and Montmorin offered their resignation, which was refused; the Count d'Artois saying to Mr. Necker, 'No, sir, you must be kept as the hostage; we hold you responsible for all the ill which shall happen.' This change of plan was immediately whispered without doors. The Noblesse were in triumph; the people in consternation. I was quite alarmed at this state of things. The soldiery had not yet indicated which side they should take, and that which they should support would be sure to prevail. I considered a successful reformation of government in France, as ensuring a general reformation through Europe, and the resurrection, to a new life, of their people, now ground to dust by the abuses of the governing powers. I was much acquainted with the leading patriots of the Assembly. Being from a country which had successfully passed through a similar reformation, they were disposed to my acquaintance, and had some confidence in me. I urged, most strenuously, an immediate compromise; to secure what the government was now ready to yield, and trust to future occasions for what might still be wanting. It was well understood that the King would grant, at

this time, 1. Freedom of the person by Habeas corpus: 2. Freedom of conscience: 3. Freedom of the press: 4. Trial by jury: 5. A representative Legislature: 6. Annual meetings: 7. The origination of laws: 8. The exclusive right of taxation and appropriation: and 9. The responsibility of Ministers: and with the exercise of these powers they could obtain, in future, whatever might be further necessary to improve and preserve their constitution. They thought otherwise, however, and events have proved their lamentable error. For, after thirty years of war, foreign and domestic, the loss of millions of lives, the prostration of private happiness, and the foreign subjugation of their own country for a time, they have obtained no more, nor even that securely. They were unconscious of, (for who could foresee?) the melancholy sequel of their well-meant perseverance; that their physical force would be usurped by a first tyrant to trample on the independence, and even the existence, of other nations: that this would afford a fatal example for the atrocious conspiracy of Kings against their people; would generate their unholy and homicide alliance to make common cause among themselves, and to crush, by the power of the whole, the efforts of any part, to moderate their abuses and oppressions.

When the King passed, the next day, through the lane formed from the Chateau to the 'Hotel des etats,' there was a dead silence. He was about an hour in the House, delivering his speech and declaration. On his coming out, a feeble cry of 'vive le roy' was raised by some children, but the people remained silent and sullen. In the close of his speech, he had ordered that the members should follow him, and resume their deliberations the next day. The Noblesse followed him, and so did the Clergy, except about thirty, who, with the Tiers, remained in the room, and entered into deliberation. They protested against what the King had done, adhered to all their former proceedings, and resolved the inviolability of their own persons. An officer came, to order them out of the room in the King's name. 'Tell those who sent you,' said Mirabeau, 'that we shall not move hence but at our own will, or the point of the bayonet.' In the afternoon, the people, uneasy, began to assemble in great numbers in the courts, and vicinities of the palace. This produced alarm. The Queen sent for Mr. Necker. He was conducted, amidst the shouts and acclamations of the multitude, who filled all the apartments of the palace. He was a few minutes only with the Queen, and what passed between them did not transpire. The King went out to ride. He passed through the crowd to his carriage, and into it, without being in the least noticed. As Mr. Necker followed him, universal acclamations were raised of 'vive Monsieur Necker, vive le sauveur de la

France opprimée.' He was conducted back to his house, with the same demonstrations of affection and anxiety. About two hundred deputies of the Tiers, catching the enthusiasm of the moment, went to his house, and extorted from him a promise that he would not resign. On the 25th, forty-eight of the Nobles joined the Tiers, and among them the Duke of Orleans. There were then with them one hundred and sixty-four members of the Clergy, although the minority of that body still sat apart, and called themselves the Chamber of the Clergy. On the 26th, the Archbishop of Paris joined the Tiers, as did some others of the Clergy and of the Noblesse.

These proceedings had thrown the people into violent ferment. It gained the soldiery, first of the French guards, extended to those of every other denomination, except the Swiss, and even to the body guards of the King. They began to quit their barracks, to assemble in squads, to declare they would defend the life of the King, but would not be the murderers of their fellow-citizens. They called themselves the soldiers *of the nation*, and left now no doubt on which side they would be, in case of a rupture. Similar accounts came in from the troops in other parts of the kingdom, giving good reason to believe they would side with their fathers and brothers, rather than with their officers. The operation of this medicine at Versailles, was as sudden as it was powerful. The alarm there was so complete, that in the afternoon of the 27th, the King wrote, with his own hand, letters to the Presidents of the Clergy and Nobles, engaging them immediately to join the Tiers. These two bodies were debating, and hesitating, when notes from the Count d'Artois decided their compliance. They went in a body, and took their seats with the Tiers, and thus rendered the union of the orders in one chamber, complete.

The Assembly now entered on the business of their mission, and first proceeded to arrange the order in which they would take up the heads of their constitution, as follows:

First, and as Preliminary to the whole, a general Declaration of the Rights of Man. Then, specifically, the Principles of the Monarchy; Rights of the Nation; rights of the King; rights of the Citizens; organization and rights of the National Assembly; forms necessary for the enactment of Laws; organization and functions of the Provincial and Municipal Assemblies; duties and limits of the Judiciary power; functions and duties of the Military power.

A Declaration of the Rights of Man, as the preliminary of their work, was accordingly prepared and proposed by the Marquis de la Fayette.

But the quiet of their march was soon disturbed by information that troops, and particularly the foreign troops, were advancing on Paris from various quarters. The King had probably been advised to this, on the pretext of preserving peace in Paris. But his advisers were believed to have other things in contemplation. The Marshal de Broglio was appointed to their command, a high-flying aristocrat, cool and capable of every thing. Some of the French guards were soon arrested, under other pretexts, but really, on account of their dispositions in favor of the National cause. The people of Paris forced their prison, liberated them, and sent a deputation to the Assembly to solicit a pardon. The Assembly recommended peace and order to the people of Paris, the prisoners to the King, and asked from him the removal of the troops. His answer was negative and dry, saying they might remove themselves, if they pleased, to Noyons or Soissons. In the meantime, these troops, to the number of twenty or thirty thousand, had arrived, and were posted in, and between Paris and Versailles. The bridges and passes were guarded. At three o'clock in the afternoon of the 11th of July, the Count de la Luzerne was sent to notify Mr. Necker of his dismission, and to enjoin him to retire instantly, without saying a word of it to any body. He went home, dined, and proposed to his wife a visit to a friend, but went in fact to his country house at St. Ouen, and at midnight set out for Brussels. This was not known till the next day (the 12th,) when the whole Ministry was changed, except Villedeuil, of the domestic department, and Barenton, Garde des sceaux. The changes were as follows.

The Baron de Breteuil, President of the Council of Finance; de la Galaisiere, Comptroller General, in the room of Mr. Necker; the Marshal de Broglio, Minister of War, and Foulon under him, in the room of Puy-Segur; the Duke de la Vauguyon, Minister of Foreign Affairs, instead of the Count de Montmorin; de la Porte, Minister of Marine, in place of the Count de la Luzerne; St. Priest was also removed from the Council. Luzerne and Puy-Segur, had been strongly of the Aristocratic party in the Council, but they were not considered as equal to the work now to be done. The King was now completely in the hands of men, the principal among whom, had been noted, through their lives, for the Turkish despotism of their characters, and who were associated around the King, as proper instruments for what was to be executed. The news of this change began to be known at Paris, about one or two o'clock. In the afternoon, a body of about one hundred German cavalry were advanced, and drawn up in the Place Louis XV. and about two hundred Swiss posted at

a little distance in their rear. This drew people to the spot, who thus accidentally found themselves in front of the troops, merely at first as spectators; but, as their numbers increased, their indignation rose. They retired a few steps, and posted themselves on and behind large piles of stones, large and small, collected in that place for a bridge, which was to be built adjacent to it. In this position, happening to be in my carriage on a visit, I passed through the lane they had formed, without interruption. But the moment after I had passed, the people attacked the cavalry with stones. They charged, but the advantageous position of the people, and the showers of stones, obliged the horse to retire, and quit the field altogether, leaving one of their number on the ground, and the Swiss in their rear, not moving to their aid. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorer's shops, and private houses, and with bludgeons; and were roaming all night, through all parts of the city, without any decided object. The next day (the 13th,) the Assembly pressed on the King to send away the troops, to permit the Bourgeoisie of Paris, to arm for the preservation of order in the city, and offered to send a deputation from their body to tranquilize them: but their propositions were refused. A committee of magistrates and electors of the city were appointed by those bodies, to take upon them its government. The people, now openly joined by the French guards, forced the prison of St. Lazare, released all the prisoners, and took a great store of corn, which they carried to the corn-market. Here they got some arms, and the French guards began to form and train them. The city-committee determined to raise forty-eight thousand Bourgeois, or rather to restrain their numbers to forty-eight thousand. On the 14th, they sent one of their members (Monsieur de Corny) to the Hotel des Invalides, to ask arms for their Garde Bourgeoise. He was followed by, and he found there, a great collection of people. The Governor of the Invalids came out, and represented the impossibility of his delivering arms, without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; but the people took possession of the arms. It was remarkable, that not only the Invalids themselves made no opposition, but that a body of five thousand foreign troops, within four hundred yards, never stirred. M. de Corny, and five others, were then sent to ask arms of M. de Launay, Governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the

parapet. The deputation prevailed on the people to fall back a little, advanced themselves to make their demand of the Governor, and in that instant, a discharge from the Bastile killed four persons, of those nearest to the deputies. The deputies retired. I happened to be at the house of M. de Corny, when he returned to it, and received from him a narrative of these transactions. On the retirement of the deputies, the people rushed forward, and almost in an instant, were in possession of a fortification, of infinite strength, defended by one hundred men, which in other times, had stood several regular seiges, and had never been taken. How they forced their entrance has never been explained. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury; carried the Governor and Lieutenant Governor, to the Place de Grève, (the place of public execution,) cut off their heads, and sent them through the city, in triumph, to the Palais royal. About the same instant, a treacherous correspondence having been discovered in M. de Flesselles, Prevôt des Marchands, they seized him in the Hotel de Ville, where he was in the execution of his office, and cut off his head. These events, carried imperfectly to Versailles, were the subject of two successive deputations from the Assembly to the King, to both of which he gave dry and hard answers; for nobody had as yet, been permitted to inform him, truly and fully, of what had passed at Paris. But at night, the Duke de Liancourt forced his way into the King's bed chamber, and obliged him to hear a full and animated detail of the disasters of the day in Paris. He went to bed fearfully impressed. The decapitation of de Launay, worked powerfully through the night, on the whole Aristocratical party; insomuch, that in the morning, those of the greatest influence on the Count d'Artois, represented to him the absolute necessity, that the King should give up every thing to the Assembly. This according with the dispositions of the King, he went about eleven o'clock, accompanied only by his brothers, to the Assembly, and there read to them a speech, in which he asked their interposition to re-establish order. Although couched in terms of some caution, yet the manner in which it was delivered, made it evident that it was meant as a surrender at discretion. He returned to the Chateau a foot, accompanied by the Assembly. They sent off a deputation, to quiet Paris, at the head of which was the Marquis de la Fayette, who had, the same morning, been named Commandant en chef of the Milice Bourgeoise; and Monsieur Bailly, former President of the States General, was called for as Prevôt des Marchands. The demolition of the Bastile was now ordered and begun. A body of the Swiss guards, of the regi-

ment of Ventimille, and the city horse guards joined the people. The alarm at Versailles increased. The foreign troops were ordered off instantly. Every Minister resigned. The King confirmed Bailly as Prevôt des Marchands, wrote to Mr. Necker, to recall him, sent his letter open to the Assembly, to be forwarded by them, and invited them to go with him to Paris the next day, to satisfy the city of his dispositions; and that night, and the next morning, the Count d'Artois, and M. de Montesson, a deputy connected with him, Madame de Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the Queen, the Abbe de Vermont her confessor, the Prince of Conde, and Duke of Bourbon fled. The King came to Paris, leaving the Queen in consternation for his return. Omitting the less important figures of the procession, the King's carriage was in the centre; on each side of it, the Assembly, in two ranks a foot; at their head the Marquis de la Fayette, as Commander in chief, on horse back, and Bourgeois guards before and behind. About sixty thousand citizens, of all forms and conditions, armed with the conquests of the Bastile and Invalids, as far as they would go, the rest with pistols, swords, pikes, pruning hooks, scythes, &c. lined all the streets through which the procession passed, and with the crowds of people in the streets, doors, and windows, saluted them every where with the cries of 'vive la nation,' but not a single 'vive le roy' was heard. The King stopped at the Hotel de Ville. There M. Bailly presented, and put into his hat, the popular cockade, and addressed him. The King being unprepared, and unable to answer, Bailly went to him, gathered from him some scraps of sentences, and made out an answer, which he delivered to the audience, as from the King. On their return, the popular cries were 'vive le roy et la nation.' He was conducted by a garde Bourgeoise, to his palace at Versailles, and thus concluded such an 'amende honorable,' as no sovereign ever made, and no people ever received.

And here again, was lost another precious occasion of sparing to France the crimes and cruelties through which she has since passed, and to Europe, and finally America, the evils which flowed on them also from this mortal source. The King was now become a passive machine in the hands of the National Assembly, and had he been left to himself, he would have willingly acquiesced in whatever they should devise as best for the nation. A wise constitution would have been formed, hereditary in his line, himself placed at its head, with powers so large, as to enable him to do all the good of his station, and so limited, as to restrain him from its abuse. This he would have faithfully administered, and more than this, I do not believe, he ever wished. But he had a Queen

of absolute sway over his weak mind, and timid virtue, and of a character, the reverse of his in all points. This angel, as gaudily painted in the rhapsodies of Burke, with some smartness of fancy, but no sound sense, was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires, or perish in their wreck. Her inordinate gambling and dissipations, with those of the Count d'Artois, and others of her *clique*, had been a sensible item in the exhaustion of the treasury, which called into action the reforming hand of the nation; and her opposition to it, her inflexible perverseness, and dauntless spirit, led herself to the Guillotine, drew the King on with her, and plunged the world into crimes and calamities which will forever stain the pages of modern history. I have ever believed, that had there been no Queen, there would have been no revolution. No force would have been provoked, nor exercised. The King would have gone hand in hand with the wisdom of his sounder counsellors, who, guided by the increased lights of the age, wished only, with the same pace, to advance the principles of their social constitution. The deed which closed the mortal course of these sovereigns, I shall neither approve nor condemn. I am not prepared to say, that the first magistrate of a nation cannot commit treason against his country, or is unamenable to its punishment: nor yet, that where there is no written law, no regulated tribunal, there is not a law in our hearts, and a power in our hands, given for righteous employment in maintaining right, and redressing wrong. Of those who judged the King, many thought him wilfully criminal; many, that his existence would keep the nation in perpetual conflict with the horde of Kings, who would war against a regeneration which might come home to themselves, and that it were better that one should die than all. I should not have voted with this portion of the legislature. I should have shut up the Queen in a convent, putting harm out of her power, and placed the King in his station, investing him with limited powers, which, I verily believe, he would have honestly exercised, according to the measure of his understanding. In this way, no void would have been created, courting the usurpation of a military adventurer, nor occasion given for those enormities which demoralised the nations of the world, and destroyed, and is yet to destroy, millions and millions of its inhabitants. There are three epochs in history, signalized by the total extinction of national morality. The first was of the successors of Alexander, not omitting himself: The next, the successors of the first Cæsar: The third, our own age. This was begun by the partition of Poland, followed by that of the treaty of Pilnitz; next the conflagra-

tion of Copenhagen; then the enormities of Bonaparte, partitioning the earth at his will, and devastating it with fire and sword; now the conspiracy of Kings, the successors of Bonaparte, blasphemously calling themselves the Holy Alliance, and treading in the footsteps of their incarcerated leader; not yet, indeed, usurping the government of other nations, avowedly and in detail, but controling by their armies the forms in which they will permit them to be governed; and reserving, *in petto*, the order and extent of the usurpations further meditated. But I will return from a digression, anticipated, too, in time, into which I have been led by reflection on the criminal passions which refused to the world, a favorable occasion of saving it from the afflictions it has since suffered.

Mr. Necker had reached Basle before he was overtaken by the letter of the King, inviting him back to resume the office he had recently left. He returned immediately, and all the other ministers having resigned, a new administration was named, to wit: St. Priest and Montmorin were restored; the Archbishop of Bordeaux was appointed Garde des sceaux, La Tour du Pin, Minister of War; La Luzerne, Minister of Marine. This last was believed to have been effected by the friendship of Montmorin; for although differing in politics, they continued firm in friendship, and Luzerne, although not an able man, was thought an honest one. And the Prince of Bauvau was taken into the Council.

Seven Princes of the blood Royal, six ex-ministers, and many of the high Noblesse, having fled, and the present ministers, except Luzerne, being all of the popular party, all the functionaries of government moved, for the present, in perfect harmony.

In the evening of August the 4th, and on the motion of the Viscount de Noailles, brother in law of La Fayette, the Assembly abolished all titles of rank, all the abusive privileges of feudalism, the tythes and casuals of the Clergy, all Provincial privileges, and, in fine, the Feudal regimen generally. To the suppression of tythes, the Abbe Sieyes was vehemently opposed; but his learned and logical arguments were unheeded, and his estimation lessened by a contrast of his egoism, (for he was beneficed on them) with the generous abandonment of rights by the other members of the Assembly. Many days were employed in putting into the form of laws, the numerous demolitions of antient abuses; which done, they proceeded to the preliminary work of a Declaration of rights. There being much concord of sentiment on the elements of this instrument, it was liberally framed, and passed with a very general approbation. They then appointed a Committee for the 'reduction of a projet' of a constitution, at the head of which was the

Archbishop of Bordeaux. I received from him, as chairman of the Committee, a letter of July the 20th, requesting me to attend and assist at their deliberations; but I excused myself, on the obvious considerations, that my mission was to the King as Chief Magistrate of the nation, that my duties were limited to the concerns of my own country, and forbade me to intermeddle with the internal transactions of that, in which I had been received under a specific character only. Their plan of a constitution was discussed in sections, and so reported from time to time, as agreed to by the Committee. The first respected the general frame of the government; and that this should be formed into three departments, Executive, Legislative and Judiciary, was generally agreed. But when they proceeded to subordinate developements, many and various shades of opinion came into conflict, and schism, strongly marked, broke the Patriots into fragments of very discordant principles. The first question, Whether there should be a King? met with no open opposition; and it was readily agreed, that the government of France should be monarchical and hereditary. Shall the King have a negative on the laws? shall that negative be absolute, or suspensive only? Shall there be two Chambers of Legislation? or one only? If two, shall one of them be hereditary? or for life? or for a fixed term? and named by the King? or elected by the people? These questions found strong differences of opinion, and produced repulsive combinations among the Patriots. The Aristocracy was cemented by a common principle, of preserving the antient regime, or whatever should be nearest to it. Making this their polar star, they moved in phalanx, gave preponderance on every question to the minorities of the Patriots, and always to those who advocated the least change. The features of the new constitution were thus assuming a fearful aspect, and great alarm was produced among the honest Patriots by these dissentions in their ranks. In this uneasy state of things, I received one day a note from the Marquis de la Fayette, informing me, that he should bring a party of six or eight friends, to ask a dinner of me the next day. I assured him of their welcome. When they arrived, they were La Fayette himself, Duport, Barnave, Alexander la Meth, Blacon, Mounier, Mauboûrg, and Dagout. These were leading Patriots, of honest but differing opinions, sensible of the necessity of effecting a coalition by mutual sacrifices, knowing each other, and not afraid, therefore, to unbosom themselves mutually. This last was a material principle in the selection. With this view, the Marquis had invited the conference, and had fixed the time and place inadvertently, as to the embarrassment under which it might place me. The cloth being removed, and wine

set on the table, after the American manner, the Marquis introduced the objects of the conference, by summarily reminding them of the state of things in the Assembly, the course which the principles of the Constitution were taking, and the inevitable result, unless checked by more concord among the Patriots themselves. He observed, that although he also had his opinion, he was ready to sacrifice it to that of his brethren of the same cause; but that a common opinion must now be formed, or the Aristocracy would carry every thing, and that, whatever they should now agree on, he, at the head of the National force, would maintain. The discussions, began at the hour of four, and were continued till ten o'clock in the evening; during which time, I was a silent witness to a coolness and candor of argument, unusual in the conflicts of political opinion; to a logical reasoning, and chaste eloquence, disfigured by no gaudy tinsel of rhetoric or declamation, and truly worthy of being placed in parallel with the finest dialogues of antiquity, as handed to us by Xenophon, by Plato and Cicero. The result was, that the King should have a suspensive veto on the laws, that the legislature should be composed of a single body only, and that to be chosen by the people. This Concordate decided the fate of the constitution. The Patriots all rallied to the principles thus settled, carried every question agreeably to them, and reduced the Aristocracy to insignificance and impotence. But duties of exculpation were now incumbent on me. I waited on Count Montmorin the next morning, and explained to him, with truth and candor, how it had happened that my house had been made the scene of conferences of such a character. He told me, he already knew every thing which had passed, that so far from taking umbrage at the use made of my house on that occasion, he earnestly wished I would habitually assist at such conferences, being sure I should be useful in moderating the warmer spirits, and promoting a wholesome and practicable reformation only. I told him, I knew too well the duties I owed to the King, to the nation, and to my own country, to take any part in councils concerning their internal government, and that I should persevere, with care, in the character of a neutral and passive spectator, with wishes only, and very sincere ones, that those measures might prevail which would be for the greatest good of the nation. I have no doubt, indeed, that this conference was previously known and approved by this honest minister, who was in confidence and communication with the Patriots, and wished for a reasonable reform of the Constitution.

Here I discontinue my relation of the French Revolution. The minuteness with which I have so far given its details, is dispropor-

tioned to the general scale of my narrative. But I have thought it justified by the interest which the whole world must take in this Revolution. As yet, we are but in the first chapter of its history. The appeal to the rights of man, which had been made in the United States, was taken up by France, first of the European nations. From her, the spirit has spread over those of the South. The tyrants of the North, have allied indeed against it; but it is irresistible. Their opposition will only multiply its millions of human victims; their own satellites will catch it, and the condition of man through the civilized world, will be finally and greatly ameliorated. This is a wonderful instance of great events, from small causes. So inscrutable is the arrangement of causes and consequences in this world, that a two-penny duty on tea, unjustly imposed in a sequestered part of it, changes the condition of all its inhabitants. I have been more minute in relating the early transactions of this regeneration, because I was in circumstances peculiarly favorable for a knowledge of the truth. Possessing the confidence and intimacy of the leading Patriots, and more than all, of the Marquis Fayette, their head and Atlas, who had no secrets from me, I learned with correctness, the views and proceedings of that party; while my intercourse with the diplomatic missionaries of Europe at Paris, all of them with the court, and eager in prying into its councils and proceedings, gave me a knowledge of these also. My information was always, and immediately committed to writing, in letters to Mr. Jay, and often to my friends, and a recurrence to these letters, now ensures me against errors of memory.

These opportunities of information, ceased at this period, with my retirement from this interesting scene of action. I had been more than a year soliciting leave to go home, with a view to place my daughters in the society and care of their friends, and to return for a short time, to my station at Paris. But the metamorphosis through which our government was then passing from its Chrysalid to its Organic form, suspended its action in a great degree; and it was not till the last of August, that I received the permission I had asked. And here, I cannot leave this great and good country, without expressing my sense of its pre-eminence of character, among the nations of the earth. A more benevolent people I have never known, nor greater warmth and devotedness in their select friendships. Their kindness and accommodation to strangers, is unparalleled, and the hospitality of Paris, is beyond any thing I had conceived to be practicable in a large city. Their eminence, too, in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society, to be

found no where else. In a comparison of this, with other countries, we have the proof of primacy, which was given to Themistocles, after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So, ask the traveled inhabitant of any nation, in what country on earth would you rather live?—Certainly, in my own, where are all my friends, my relations, and the earliest and sweetest affections, and recollections of my life. Which would be your second choice? France.

On the 26th of September, I left Paris for Havre, where I was detained by contrary winds, until the 8th of October. On that day, and the 9th, I crossed over to Cowes, where I had engaged the Clermont, Capt. Colley, to touch for me. She did so; but here again we were detained by contrary winds, until the 22nd, when we embarked, and landed at Norfolk on the 23rd of November. On my way home, I passed some days at Eppington, in Chesterfield, the residence of my friend and connection, Mr. Eppes; and, while there, I received a letter from the President, General Washington, by express, covering an appointment to be Secretary of State.* I received it with real regret. My wish had been to return to Paris, where I had left my household establishment, as if there myself, and to see the end of the Revolution, which, I then thought, would be certainly and happily closed in less than a year. I then meant to return home, to withdraw from political life, into which I had been impressed by the circumstances of the times, to sink into the bosom of my family and friends, and devote myself to studies, more congenial to my mind. In my answer of December 15th, I expressed these dispositions candidly to the President, and my preference of a return to Paris; but assured him, that if it was believed I could be more useful in the administration of the government, I would sacrifice my own inclinations without hesitation, and repair to that destination: this I left to his decision. I arrived at Monticello on the 23d of December, where I received a second letter from the President, expressing his continued wish, that I should take my station there, but leaving me still at liberty to continue in my former office, if I could not reconcile myself to that now proposed. This silenced my reluctance, and I accepted the new appointment.

In the interval of my stay at home, my eldest daughter had been happily married to the eldest son of the Tuckahoe branch of Randolphs, a young gentleman of genius, science, and honorable mind, who afterwards filled a dignified station in the General Go-

[* See Appendix, note H.]

vernment, and the most dignified in his own State. I left Monticello on the 1st of March, 1790, for New York. At Philadelphia I called on the venerable and beloved Franklin. He was then on the bed of sickness from which he never rose. My recent return from a country in which he had left so many friends, and the perilous convulsions to which they had been exposed, revived all his anxieties to know what part they had taken, what had been their course, and what their fate. He went over all in succession, with a rapidity and animation, almost too much for his strength. When all his enquiries were satisfied, and a pause took place, I told him I had learned with much pleasure that, since his return to America, he had been occupied in preparing for the world, the history of his own life. I cannot say much of that, said he; but I will give you a sample of what I shall leave: and he directed his little grandson (William Bache) who was standing by the bedside, to hand him a paper from the table, to which he pointed. He did so; and the Doctor putting it into my hands, desired me to take it, and read it at my leisure. It was about a quire of folio paper, written in a large and running hand, very like his own. I looked into it slightly, then shut it, and said I would accept his permission to read it, and would carefully return it. He said, 'no, keep it.' Not certain of his meaning, I again looked into it, folded it for my pocket, and said again, I would certainly return it. 'No,' said he, 'keep it.' I put it into my pocket, and shortly after, took leave of him. He died on the 17th of the ensuing month of April; and as I understood that he had bequeathed all his papers to his grandson, William Temple Franklin, I immediately wrote to Mr. Franklin, to inform him I possessed this paper, which I should consider as his property, and would deliver to his order. He came on immediately to New York, called on me for it, and I delivered it to him. As he put it into his pocket, he said carelessly, he had either the original, or another copy of it, I do not recollect which. This last expression struck my attention forcibly, and for the first time suggested to me the thought, that Dr. Franklin had meant it as a confidential deposite in my hands, and that I had done wrong in parting from it. I have not yet seen the collection he published of Dr. Franklin's works, and therefore, know not if this is among them. I have been told it is not. It contained a narrative of the negotiations between Dr. Franklin and the British Ministry, when he was endeavoring to prevent the contest of arms which followed. The negotiation was brought about by the intervention of Lord Howe and his sister, who, I believe, was called Lady Howe, but I may misremember her title. Lord Howe seems to have been friendly to Ame-

rica, and exceedingly anxious to prevent a rupture. His intimacy with Dr. Franklin, and his position with the Ministry, induced him to undertake a mediation between them; in which his sister seemed to have been associated. They carried from one to the other, backwards and forwards, the several propositions and answers which passed, and seconded with their own intercessions, the importance of mutual sacrifices, to preserve the peace and connection of the two countries. I remember that Lord North's answers were dry, unyielding, in the spirit of unconditional submission, and betrayed an absolute indifference to the occurrence of a rupture; and he said to the mediators distinctly, at last, that 'a rebellion was not to be deprecated on the part of Great Britain; that the confiscations it would produce, would provide for many of their friends.' This expression was reported by the mediators to Dr. Franklin, and indicated so cool and calculated a purpose in the Ministry, as to render compromise hopeless, and the negotiation was discontinued. If this is not among the papers published, we ask, what has become of it? I delivered it with my own hands, into those of Temple Franklin. It certainly established views so atrocious in the British government, that its suppression would, to them, be worth a great price. But could the grandson of Dr. Franklin, be in such degree, an accomplice in the parricide of the memory of his immortal grandfather? The suspension for more than twenty years, of the general publication, bequeathed and confided to him, produced for a while, hard suspicions against him: and if, at last, all are not published, a part of these suspicions may remain with some.

I arrived at New York on the 21st of March, where Congress was in session.

APPENDIX.

[Note A.]

Letter to John Saunderson, Esq.

Monticello, August 31, 1820.

Sir,

Your letter of the 19th was received in due time, and I wish it were in my power to furnish you more fully, than in the enclosed paper, with materials for the biography of George Wythe; but I possess none in writing, am very distant from the place of his birth and early life, and know not a single person in that quarter from whom enquiry could be made, with the expectation of collecting any thing material. Add to this, that feeble health disables me, almost, from writing; and, entirely, from the labor of going into difficult research. I became acquainted with Mr. Wythe when he was about thirty-five years of age. He directed my studies in the law, led me into business, and continued, until death, my most affectionate friend. A close intimacy with him, during that period of forty odd years, the most important of his life, enables me to state its leading facts, which, being of my own knowledge, I vouch their truth. Of what precedes that period, I speak from hearsay only, in which there may be error, but of little account, as the character of the facts will themselves manifest. In the epoch of his birth I may err a little, stating that from the recollection of a particular incident, the date of which, within a year or two, I do not distinctly remember. These scanty outlines, you will be able, I hope, to fill up from other information, and they may serve you, sometimes, as landmarks to distinguish truth from error, in what you hear from others. The exalted virtue of the man, will also be a polar star to guide you in all matters which may touch that element of his character. But on that you will receive imputation from no man; for, as far as I know, he never had an enemy. Little as I am able to contribute to the just reputation of this excellent man, it is the act of my life most gratifying to my heart: and leaves me only to regret that a waning memory can do no more.

Of Mr. Hancock I can say nothing, having known him only in the chair of Congress. Having myself been the youngest man, but one, in that body, the disparity of age prevented any particular intimacy. But of him there can be no difficulty in obtaining full information in the North.

I salute you, Sir, with sentiments of great respect.

TH: JEFFERSON.

Notes, for the Biography of George Wythe.

George Wythe was born about the year 1727, or 1728, of a respectable family in the county of Elizabeth City, on the shores of the Chesapeake. He inherited, from his father, a fortune sufficient for independence and ease. He had not the benefit of a regular education in the schools, but acquired a good one of himself, and without assistance; insomuch, as to become the best Latin and Greek scholar in the state. It is said, that while reading the Greek Testament, his mother held an English one, to aid him in rendering the Greek text conformably with that. He also acquired, by his own reading, a good knowledge of Mathematics, and of Natural and Moral Philosophy. He engaged in the study of the law under the direction of a Mr. Lewis, of that profession, and went early to the bar of the General Court, then occupied by men of great ability, learning and dignity in their profession. He soon became eminent among them, and, in process of time, the first at the bar, taking into consideration his superior learning, correct elocution, and logical style of reasoning; for in pleading he never indulged himself with an useless or declamatory thought or word; and became as distinguished by correctness and purity of conduct in his profession, as he was by his industry and fidelity to those who employed him. He was early elected to the House of Representatives, then called the House of Burgesses, and continued in it until the Revolution. On the first dawn of that, instead of higgling on half-way principles, as others did who feared to follow their reason, he took his stand on the solid ground, that the only link of political union between us and Great Britain, was the identity of our Executive; that that nation and its Parliament had no more authority over us, than we had over them, and that we were co-ordinate nations with Great Britain and Hanover.

In 1774, he was a member of a Committee of the House of Burgesses, appointed to prepare a Petition to the King, a Memorial to the House of Lords, and a Remonstrance to the House of Commons, on the subject of the proposed Stamp Act. He was made draughtsman of the last, and, following his own principles, he so

far overwent the timid hesitations of his colleagues, that his draught was subjected by them to material modifications; and, when the famous Resolutions of Mr. Henry, in 1775, were proposed, it was not on any difference of principle that they were opposed by Wythe, Randolph, Pendleton, Nicholas, Bland and other worthies, who had long been the habitual leaders of the House; but because those papers of the preceding session, had already expressed the same sentiments and assertions of right, and that an answer to them was yet to be expected.

In August, 1775, he was appointed a member of Congress, and in 1776, signed the Declaration of Independence, of which he had, in debate, been an eminent supporter. And subsequently, in the same year, he was appointed, by the Legislature of Virginia, one of a Committee to revise the laws of the state, as well of British, as of Colonial enactment, and to prepare bills for re-enacting them, with such alterations as the change in the form and principles of the government, and other circumstances, required: and of this work, he executed the period commencing with the revolution in England, and ending with the establishment of the new government here; excepting the Acts for regulating descents, for religious freedom, and for proportioning crimes and punishments. In 1777, he was chosen speaker of the House of Delegates, being of distinguished learning in Parliamentary law and proceedings; and towards the end of the same year, he was appointed one of the three Chancellors, to whom that department of the Judiciary was confided, on the first organization of the new government. On a subsequent change of the form of that court, he was appointed sole Chancellor, in which office he continued to act until his death, which happened in June, 1806, about the seventy-eighth or seventy-ninth year of his age.

Mr. Wythe had been twice married; first, I believe, to a daughter of Mr. Lewis, with whom he had studied law, and afterwards, to a Miss Taliaferro, of a wealthy and respectable family, in the neighborhood of Williamsburg; by neither of whom did he leave issue.

No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and, devoted as he was to liberty, and the natural and equal rights of man, he might truly be called the Cato of his country, without the avarice of the Roman; for a more disinterested person never lived. Temperance and regularity in all his habits, gave him general good health, and his unaffected modesty and suavity of manners, endeared him to every one. He was of easy elocution, his language

chaste, methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate; not quick of apprehension, but, with a little time, profound in penetration, and sound in conclusion. In his philosophy he was firm, and neither troubling, nor perhaps trusting, any one with his religious creed, he left the world to the conclusion, that that religion must be good which could produce a life of such exemplary virtue.

His stature was of the middle size, well formed and proportioned, and the features of his face were manly, comely and engaging. Such was George Wythe, the honor of his own, and the model of future times.

[Note B.]

Letter to Samuel A. Wells, Esq.

Monticello, May 12, 1819.

Sir,

An absence, of some time, at an occasional and distant residence, must apologise for the delay in acknowledging the receipt of your favor of April 12; and, candor obliges me to add, that it has been somewhat extended by an aversion to writing, as well as to calls on my memory, for facts so much obliterated from it by time, as to lessen my own confidence in the traces which seem to remain. One of the enquiries in your letter, however, may be answered without an appeal to the memory. It is that respecting the question, whether committees of correspondence originated in Virginia, or Massachusetts? on which you suppose me to have claimed it for Virginia; but certainly I have never made such a claim. The idea, I suppose, has been taken up from what is said in Wirt's history of Mr. Henry, page 87, and from an inexact attention to its precise terms. It is there said, 'this House (of Burgesses, of Virginia) had the merit of originating that powerful engine of resistance, corresponding committees *between the legislatures of the different colonies*.' That the fact, as here expressed, is true, your letter bears witness, when it says, that the resolutions of Virginia, for this purpose, were transmitted to the speakers of the different assemblies, and by that of Massachusetts, was laid, at the next session, before that body, who appointed a committee for the specified object: adding, 'thus, in Massachusetts, there were two committees of correspondence, one chosen by the people, the other appointed by the House of Assembly; in the former, Mas-

sachusetts preceded Virginia; in the latter, Virginia preceded Massachusetts.' To the origination of committees for the interior correspondence between the counties and towns of a state, I know of no claim on the part of Virginia; and certainly none was ever made by myself. I perceive, however, one error, into which memory had led me. Our committee for national correspondence, was appointed in March, '73, and I well remember, that going to Williamsburg, in the month of June following, Peyton Randolph, our chairman, told me that messengers bearing despatches between the two states, had crossed each other by the way, that of Virginia carrying our propositions for a committee of national correspondence, and that of Massachusetts, bringing, as my memory suggested, a similar proposition. But here I must have misremembered; and the resolutions brought us from Massachusetts, were probably those you mention of the town meeting of Boston, on the motion of Mr. Samuel Adams, appointing a committee 'to state the rights of the colonists, and of that province in particular, and the infringements of them; to communicate them to the several towns, as the sense of the town of Boston, and to request, of each town, a free communication of its sentiments on this subject.' I suppose, therefore, that these resolutions were not received, as you think, while the House of Burgesses was in session in March, 1773, but a few days after we rose, and were probably what was sent by the messenger, who crossed ours by the way. They may however, have been still different. I must, therefore, have been mistaken in supposing, and stating to Mr. Wirt, that the proposition of a committee for national correspondence, was nearly simultaneous in Virginia and Massachusetts.

A similar misapprehension of another passage in Mr. Wirt's book, for which I am also quoted, has produced a similar reclamation on the part of Massachusetts, by some of her most distinguished and estimable citizens. I had been applied to by Mr. Wirt, for such facts respecting Mr. Henry, as my intimacy with him, and participation in the transactions of the day, might have placed within my knowledge. I accordingly committed them to paper; and Virginia being the theatre of his action, was the only subject within my contemplation. While speaking of him, of the resolutions and measures here, in which he had the acknowledged lead, I used the expression that 'Mr. Henry certainly gave the first impulse to the ball of revolution.' [Wirt, page 41.] The expression is indeed general, and in all its extension, would comprehend all the sister states; but indulgent construction would restrain it, as was really meant, to the subject matter under contemplation, which was Virginia alone; according to the rule of the lawyers,

and a fair canon of general criticism, that every expression should be construed secundum subjectam materiam. Where the first attack was made, there must have been of course, the first act of resistance, and that was in Massachusetts. Our first overt act of war, was Mr. Henry's embodying a force of militia from several counties, regularly armed and organised, marching them in military array, and making reprisal on the King's treasury at the seat of government, for the public powder taken away by his Governor. This was on the last days of April, 1775. Your formal battle of Lexington, was ten or twelve days before that, and greatly overshadowed in importance, as it preceded in time, our little affray, which merely amounted to a levying of arms against the King; and very possibly, you had had military affrays before the regular battle of Lexington.

These explanations will, I hope, assure you, Sir, that so far as either facts or opinions have been truly quoted from me, they have never been meant to intercept the just fame of Massachusetts, for the promptitude and perseverance of her early resistance. We willingly cede to her the laud of having been (although not exclusively) 'the cradle of sound principles,' and, if some of us believe she has deflected from them in her course, we retain full confidence in her ultimate return to them.

I will now proceed to your quotation from Mr. Galloway's statement of what passed in Congress, on their Declaration of Independence; in which statement there is not one word of truth, and where bearing some resemblance to truth, it is an entire perversion of it. I do not charge this on Mr. Galloway himself; his desertion having taken place long before these measures, he doubtless received his information from some of the loyal friends whom he left behind him. But as yourself, as well as others, appear embarrassed by inconsistent accounts of the proceedings on that memorable occasion, and as those who have endeavored to restore the truth, have themselves committed some errors, I will give you some extracts from a written document on that subject; for the truth of which, I pledge myself to heaven and earth; having, while the question of Independence was under consideration before Congress, taken written notes, in my seat, of what was passing, and reduced them to form on the final conclusion. I have now before me that paper, from which the following are extracts. 'Friday, June 7th, 1776. The delegates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political con-

nection between them and the state of Great Britain is, and ought to be totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together. The House being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock. Saturday, June 8th. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day and Monday, the 10th, in debating on the subject.

It appearing, in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina, were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st. But, that this might occasion as little delay as possible, a Committee was appointed to prepare a Declaration of Independence. The Committee were John Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston and myself. This was reported to the House on Friday the 28th of June, when it was read and ordered to lie on the table. On Monday, the 1st of July, the House resolved itself into a Committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present, and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them, to do nothing which should impede that object. They, therefore, thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. The Committee rose, and reported their resolution to the House. Mr. Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question, whether the House would agree to the resolution of the Committee, was accordingly postponed to the next day, when it was again moved, and

South Carolina concurred in voting for it. In the mean time, a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, her vote was changed; so that the whole twelve colonies, who were authorised to vote at all, gave their votes for it; and within a few days [July 9th] the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of their delegates from the vote.' [Be careful to observe, that this vacillation and vote were on the original motion of the 7th of June, by the Virginia delegates, that Congress should declare the colonies independent.] 'Congress proceeded, the same day, to consider the Declaration of Independence, which had been reported and laid on the table the Friday preceding, and on Monday, referred to a Committee of the whole. The pusillanimous idea, that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censures on the people of England were struck out, lest they should give them offence. The debates having taken up the greater parts of the second, third and fourth days of July, were, in the evening of the last, closed: the Declaration was reported by the Committee, agreed to by the House, and signed by every member present except Mr. Dickinson.' So far my notes.

Governor M'Kean, in his letter to McCorkle of July 16th, 1817, has thrown some lights on the transactions of that day: but, trusting to his memory chiefly, at an age when our memories are not to be trusted, he has confounded two questions, and ascribed proceedings to one which belonged to the other. These two questions were, 1st, the Virginia motion of June the 7th, to declare Independence; and 2nd, the actual Declaration, its matter and form. Thus he states the question on the Declaration itself, as decided on the 1st of July; but it was the Virginia motion which was voted on that day in committee of the whole; South Carolina, as well as Pennsylvania then voting against it. But the ultimate decision in *the House*, on the report of the Committee, being, by request, postponed to the next morning, all the states voted for it, except New York, whose vote was delayed for the reason before stated. It was not till the 2nd of July, that the Declaration itself was taken up; nor till the 4th, that it was decided, and it was signed by every member present, except Mr. Dickinson.

The subsequent signatures of members who were not then present, and some of them not yet in office, is easily explained, if we observe who they were; to wit, that they were of New York and Pennsylvania. New York did not sign till the 15th, because it

was not till the 9th, (five days after the general signature) that their Convention authorised them to do so. The Convention of Pennsylvania, learning that it had been signed by a minority only of their delegates, named a new delegation on the 20th, leaving out Mr. Dickinson, who had refused to sign, Willing and Humphreys who had withdrawn, re-appointing the three members who had signed, Morris, who had not been present, and five new ones, to wit, Rush, Clymer, Smith, Taylor and Ross: and Morris, and the five new members were permitted to sign, because it manifested the assent of their full delegation, and the express will of their Convention, which might have been doubted on the former signature of a minority only. Why the signature of Thornton, of New Hampshire, was permitted so late as the 4th of November, I cannot now say; but undoubtedly for some particular reason, which we should find to have been good, had it been expressed. These were the only post-signers, and you see, Sir, that there were solid reasons for receiving those of New York and Pennsylvania, and that this circumstance in no wise affects the faith of this Declaratory Charter of our rights, and of the rights of man.

With a view to correct errors of fact before they become inveterate by repetition, I have stated what I find essentially material in my papers, but with that brevity, which the labour of writing constrains me to use.

On the four particular articles of enquiry in your letter, respecting your grandfather, the venerable Samuel Adams, neither memory nor memorandums enable me to give any information. I can say that he was truly a great man, wise in council, fertile in resources, immoveable in his purposes, and had, I think, a greater share than any other member, in advising and directing our measures, in the Northern war. As a speaker, he could not be compared with his living colleague and namesake, whose deep conceptions, nervous style, and undaunted firmness, made him truly our bulwark in debate. But Mr. Samuel Adams, although not of fluent elocution, was so rigorously logical, so clear in his views, abundant in good sense, and master always of his subject, that he commanded the most profound attention whenever he rose in an assembly, by which the froth of declamation was heard with the most sovereign contempt. I sincerely rejoice, that the record of his worth is to be undertaken by one so much disposed as you will be, to hand him down fairly to that posterity for whose liberty and happiness he was so zealous a laborer.

With sentiments of sincere veneration for his memory, accept yourself this tribute to it, with the assurances of my great respect.

TH: JEFFERSON.

P. S. August 6th, 1822. Since the date of this letter, to wit, this day, August 6, '22, I have received the new publication of the Secret Journals of Congress, wherein is stated a resolution of July 19th, 1776, that the Declaration passed on the 4th, be fairly engrossed on parchment, and when engrossed, be signed by every member; and another of August 2nd, that being engrossed and compared at the table, it was signed by the members; that is to say, the copy engrossed on parchment (for durability) was signed by the members, after being compared at the table, with the original one signed on paper as before stated. I add this P. S. to the copy of my letter to Mr. Wells, to prevent confounding the signature of the original with that of the copy engrossed on parchment.

[Note C.]

On the instructions given to the first delegation of Virginia to Congress, in August, 1774.

The Legislature of Virginia happened to be in session, in Williamsburg, when news was received of the passage, by the British Parliament, of the Boston Port Bill, which was to take effect on the first day of June then ensuing. The House of Burgesses, thereupon, passed a resolution, recommending to their fellow citizens, that that day should be set apart for fasting and prayer to the Supreme Being, imploring him to avert the calamities then threatening us, and to give us one heart and one mind to oppose every invasion of our liberties. The next day, May the 20th, 1774, the Governor dissolved us. We immediately repaired to a room in the Raleigh tavern, about one hundred paces distant from the Capitol, formed ourselves into a meeting, Peyton Randolph in the chair, and came to resolutions, declaring, that an attack on one colony, to enforce arbitrary acts, ought to be considered as an attack on all, and to be opposed by the united wisdom of all. We, therefore, appointed a Committee of correspondence, to address letters to the Speakers of the several Houses of Representatives of the colonies, proposing the appointment of deputies from each, to meet *annually in a General Congress*, to deliberate on their common interests, and on the measures to be pursued in common. The members then separated to their several homes, except those of the Committee, who met the next day, prepared letters according to instructions, and despatched them by messengers ex-

press, to their several destinations. It had been agreed, also, by the meeting, that the Burgesses, who should be elected under the writs then issuing, should be requested to meet in Convention, on a certain day in August, to learn the result of these letters, and to appoint delegates to a Congress, should that measure be approved by the other colonies. At the election, the people re-elected every man of the former Assembly, as a proof of their approbation of what they had done. Before I left home, to attend the Convention, I prepared what I thought might be given, in instruction, to the Delegates who should be appointed to attend the General Congress proposed. They were drawn in haste, with a number of blanks, with some uncertainties and inaccuracies of historical facts, which I neglected at the moment, knowing they could be readily corrected at the meeting. I set out on my journey, but was taken sick on the road, and was unable to proceed. I therefore sent on, by express, two copies, one under cover to Patrick Henry, the other to Peyton Randolph, who I knew would be in the chair of the Convention. Of the former, no more was ever heard or known. Mr. Henry probably thought it too bold, as a first measure, as the majority of the members did. On the other copy being laid on the table of the Convention, by Peyton Randolph, as the proposition of a member, who was prevented from attendance by sickness on the road, tamer sentiments were preferred, and, I believe, wisely preferred; the leap I proposed being too long, as yet, for the mass of our citizens. The distance between these, and the instructions actually adopted, is of some curiosity, however, as it shews the inequality of pace with which we moved, and the prudence required to keep front and rear together. My creed had been formed on unsheathing the sword at Lexington. They printed the paper, however, and gave it the title of 'A summary view of the rights of British America.' In this form it got to London, where the opposition took it up, shaped it to opposition views, and, in that form, it ran rapidly through several editions.

Mr. Marshall, in his history of General Washington, chapter 3, speaking of this proposition for Committees of correspondence and for a General Congress, says, 'this measure had already been proposed in town meeting, in Boston,' and some pages before he had said, that 'at a session of the General Court of Massachusetts, in September, 1770, that Court, in pursuance of a favorite idea of uniting all the colonies in one system of measures, elected a Committee of correspondence, to communicate with such Committees as might be appointed by the other colonies.' This is an error. The Committees of correspondence, elected by Massachusetts, were expressly for a correspondence among the several *towns* of

that province only. Besides the text of their proceedings, his own note X, proves this. The first proposition for a general correspondence between the several states, and for a General Congress, was made by our meeting of May, 1774. Botta, copying Marshall, has repeated his error, and so it will be handed on from copyist to copyist, *ad infinitum*. Here follow my proposition, and the more prudent one which was adopted.

Resolved, That it be an instruction to the said deputies, when assembled in General Congress, with the deputies from the other states of British America, to propose to the said Congress, that an humble and dutiful address be presented to his Majesty, begging leave to lay before him, as Chief Magistrate of the British empire, the united complaints of his Majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon the rights which God, and the laws, have given equally and independently to all. To represent to his Majesty that these, his States, have often individually made humble application to his imperial Throne, to obtain, through its intervention, some redress of their injured rights; to none of which, was ever even an answer condescended. Humbly to hope that this, their joint address, penned in the language of truth, and divested of those expressions of servility, which would persuade his Majesty that we are asking favors, and not rights, shall obtain from his Majesty a more respectful acceptance; and this his Majesty will think we have reason to expect, when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and, consequently, subject to their superintendence; and, in order that these, our rights, as well as the invasions of them, may be laid more fully before his Majesty, to take a view of them, from the origin and first settlement of these countries.

To remind him that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right, which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as, to them, shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner, left their native wilds and woods in the North of Europe, had possessed themselves of the Island of Britain, then less charged with inhabitants, and had established there that system of laws which has

so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them, by that mother country from which they had migrated: and were such a claim made, it is believed his Majesty's subjects in Great Britain, have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty of their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish, materially, the British from the Saxon emigration. America was conquered, and her settlements made and firmly established, at the expense of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual. For themselves they fought, for themselves they conquered, and for themselves alone they have right to hold. No shilling was ever issued from the public treasures of his Majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his Parliament was pleased to lend them assistance, against an enemy who would fain have drawn to herself the benefits of their commerce, to the great aggrandisement of herself, and danger of Great Britain. Such assistance, and in such circumstances, they had often before given to Portugal and other allied states, with whom they carry on a commercial intercourse. Yet these states never supposed, that by calling in her aid, they thereby submitted themselves to her sovereignty. Had such terms been proposed, they would have rejected them with disdain, and trusted for better, to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to underrate those aids, which, to us, were doubtless valuable, on whatever principles granted: but we would shew that they cannot give a title to that authority which the British Parliament would arrogate over us; and that they may amply be repaid, by our giving to the inhabitants of Great Britain, such exclusive privileges in trade as may be advantageous to them, and, at the same time, not too restrictive to ourselves. That settlement having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws, under which they had hitherto lived in the mother country, and to continue their union with her, by submitting themselves to the same common sovereign, who was thereby made the central link, connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought

themselves removed from the hand of oppression, to hold undisturbed, the rights thus acquired at the hazard of their lives and loss of their fortunes. A family of Princes was then on the British throne, whose treasonable crimes against their people, brought on them, afterwards, the exertion of those sacred and sovereign rights of punishment, reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power, over their subjects on that side the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury. Accordingly, this country which had been acquired by the lives, the labors and fortunes of individual adventurers, was by these Princes, at several times, parted out and distributed among the favorites and followers of their fortunes; and, by an assumed right of the Crown alone, were erected into distinct and independent governments; a measure, which it is believed, his Majesty's prudence and understanding would prevent him from imitating at this day; as no exercise of such power, of dividing and dismembering a country, has ever occurred in his Majesty's realm of England, though, now of very antient standing; nor could it be justified or acquiesced under there, or in any other part of his Majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his Majesty, King Charles the first, whom, notwithstanding his late deposition by the Commonwealth of England, they continued in the sovereignty of their State, the Parliament, for the Commonwealth, took the same in high offence, and assumed upon themselves the power of prohibiting their trade with all other parts of the world, except the Island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty entered into on the 12th day of March, 1651, between the said Commonwealth by their Commissioners, and the colony of Virginia by their House of Burgesses, it was expressly stipulated by the eighth article of the said treaty, that they should have 'free trade as the people of England do enjoy to all places and with all nations, according to the laws of that Commonwealth.' But that, upon the restoration of his Majesty, King Charles the second, their rights of free commerce fell once more a victim to

arbitrary power: and by several acts of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as shew what hopes they might form from the justice of a British Parliament, were its uncontroled power admitted over these States.* History has informed us, that bodies of men as well as individuals, are susceptible of the spirit of tyranny. A view of these acts of Parliament for regulation, as it has been affectedly called, of the American trade, if all other evidences were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they impose on our articles of export and import, they prohibit our going to any markets Northward of Cape Finisterra, in the kingdom of Spain, for the sale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us; and that, for no other than the arbitrary purpose of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who, in confidence that their exclusive trade with America will be continued, while the principles and power of the British Parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort: have raised their commodities called for in America, to the double and treble of what they sold for, before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere; and, at the same time, give us much less for what we carry thither, than might be had at more convenient ports. That these acts prohibit us from carrying, in quest of other purchasers, the surplus of our tobaccos, remaining after the consumption of Great Britain is supplied: so that we must leave them with the British merchant, for whatever he will please to allow us, to be by him re-shipped to foreign markets, where he will reap the benefits of making sale of them for full value. That, to heighten still the idea of Parliamentary justice, and to shew with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his Majesty, certain other acts of the British Parliament, by which they would prohibit us from manufacturing, for our own use, the articles we raise on our own lands, with our own labor. By an act passed in the fifth year of the reign of his late Majesty, King George the second, an American subject is forbidden to make a hat for himself, of the fur

* 12. C. 2. c. 18. 15. C. 2 c. 11. 25. C. 2. c. 7. 7. 8. W. M. c. 22. 11. W. 34. Anne. 6. C. 2. c. 13.

which he has taken, perhaps, on his own soil; an instance of despotism, to which no parallel can be produced in the most arbitrary ages of British history. By one other act, passed in the twenty-third year of the same reign, the iron which we make, we are forbidden to manufacture; and, heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting, not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legislation, is to be viewed the act of Parliament, passed in the fifth year of the same reign, by which American lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts; from which, one of these conclusions must necessarily follow, either that justice is not the same thing in America as in Britain, or else, that the British Parliament pay less regard to it here than there. But, that we do not point out to his Majesty the injustice of these acts, with intent to rest on that principle the cause of their nullity; but to shew that experience confirms the propriety of those political principles, which exempt us from the jurisdiction of the British Parliament. The true ground on which we declare these acts void, is, that the British Parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested; but they have also intermeddled with the regulation of the internal affairs of the colonies. The act of the 9th of Anne for establishing a post office in America, seems to have had little connection with British convenience, except that of accommodating his Majesty's ministers and favorites with the sale of a lucrative and easy office.

That thus have we hastened through the reigns which preceded his Majesty's, during which the violations of our rights were less alarming, because repeated at more distant intervals, than that rapid and bold succession of injuries, which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment, into which one stroke of Parliamentary thunder has involved us, before another more heavy and more alarming is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate, systematical plan of reducing us to slavery,

That the act passed in the fourth year of his Majesty's reign, entitled 'an act — Act for granting certain duties.

One other act passed in the fifth year of his reign, entitled 'an act — Stamp act.

One other act passed in the sixth year of his reign, entitled 'an act — Act declaring the right of Parliament over the colonies.

And one other act passed in the seventh year of his reign, entitled 'an act — Act for granting duties on paper, tea, &c.

Form that connected chain of Parliamentary usurpation, which has already been the subject of frequent applications to his Majesty, and the Houses of Lords and Commons of Great Britain; and, no answers having yet been condescended to any of these, we shall not trouble his Majesty with a repetition of the matters they contained.

But that one other act passed in the same seventh year of his reign, having been a peculiar attempt, must ever require peculiar mention. It is entitled 'an act — Act suspending legislature of New York.

One free and independent legislature, hereby takes upon itself, to suspend the powers of another, free and independent as itself. Thus exhibiting a phenomenon unknown in nature, the creator, and creature of its own power. Not only the principles of common sense, but the common feelings of human nature must be surrendered up, before his Majesty's subjects here, can be persuaded to believe, that they hold their political existence at the will of a British Parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned, why one hundred and sixty thousand electors in the island of Great Britain, should give law to four millions in the States of America, every individual of whom, is equal to every individual of them in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of one hundred and sixty thousand tyrants; distinguished too, from all others, by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That, by 'an act to discontinue in such manner, and for such

time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandize, at the town and within the harbor of Boston, in the province of Massachusetts bay, in North America,'* which was passed at the last session of the British Parliament, a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while, suppose the question of right suspended, in order to examine this act on principles of justice. An act of Parliament had been passed, imposing duties on teas, to be paid in America, against which act the Americans had protested, as inauthoritative. The East India Company, who till that time, had never sent a pound of tea to America on their own account, step forth on that occasion, the asserters of Parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New-England alone, the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this, the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known, and were amenable to the laws of the land; against which, it could not be objected, that they had ever, in any instance, been obstructed or diverted from their regular course, in favor of popular offenders. They should, therefore, not have been distrusted on this occasion. But that ill-fated colony had formerly been bold in their enmities against the House of Stuart, and were now devoted to ruin, by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependants, whose constant office it has been to keep that government embroiled, and and who, by their treacheries, hope to obtain the dignity of British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that antient and wealthy town, is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested in

* 14. G. 3.

that place, the wealth their honest endeavors had merited, found themselves and their families, thrown at once on the world, for subsistence by its charities. Not the hundredth part of the inhabitants of that town, had been concerned in the act complained of; many of them were in Great Britain, and in other parts* beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British Parliament. A property of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! And when is this tempest to be arrested in its course? Two wharves are to be opened again when his Majesty shall think proper: the residue which lined the extensive shores of the bay of Boston, are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose, than that of setting a precedent for investing his Majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense, to pretend that this exception was made, in order to restore its commerce to that great town. The trade which cannot be received at two wharves alone, must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharves. Considered in this light, it would be an insolent and cruel mockery, at the annihilation of the town of Boston. By the act for the suppression of riots and tumults in the town of Boston,* passed also in the last session of Parliament, a murder committed there, is, if the Governor pleases, to be tried in the court of King's bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the Governor shall think it reasonable for them to expend, are to enter into recognisance, to appear at the trial. This is, in other words, taxing them to the amount of their recognisance; and that amount may be whatever a Governor pleases. For who does his Majesty think can be prevailed on to cross the Atlantic, for the sole purpose of bearing evidence to a fact? His expenses are to be borne, indeed, as they shall be estimated by a Governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labor? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be estimated among the articles of expense, and their danger to be warded off by the Almighty power of a Parliament? And the wretched crimi-

* 14. G. 3.

nal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before Judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause, for a similar purpose, had been introduced into an act passed in the twelfth year of his Majesty's reign, entitled, 'an act for the better securing and preserving his Majesty's Dock-yards, Magazines, Ships, Ammunition and Stores;' against which, as meriting the same censures, the several colonies have already protested.

That these are the acts of power, assumed by a body of men foreign to our constitutions, and unacknowledged by our laws; against which we do, on behalf of the inhabitants of British America, enter this, our solemn and determined protest. And we do earnestly intreat his Majesty, as yet the only mediatory power between the several states of the British empire, to recommend to his Parliament of Great Britain, the total revocation of these acts, which, however nugatory they be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his Majesty, as holding the Executive powers of the laws of these states, and mark out his deviations from the line of duty. By the constitution of Great Britain, as well as of the several American States, his Majesty possesses the power of refusing to pass into a law, any bill which has already passed the other two branches of the legislature. His Majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two Houses of Parliament, while their proceedings were unbiassed by interested principles, for several ages past, have modestly declined the exercise of this power, in that part of his empire called Great Britain. But, by change of circumstances, other principles than those of justice simply, have obtained an influence on their determinations. The addition of new states to the British empire, has produced an addition of new, and, sometimes, opposite interests. It is now, therefore, the great office of his Majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power, which we have seen his Majesty practise on the laws of the American legislatures. For the most

trifling reasons, and, sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was, unhappily, introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this, by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his Majesty's negative: thus preferring the immediate advantages of a few British corsairs, to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law, was scarcely ever known to fail of success, though, in the opposite scale, were placed the interests of a whole country. That this is so shameful an abuse of a power, trusted with his Majesty for other purposes, as if, not reformed, would call for some legal restrictions.

With equal inattention to the necessities of his people here, has his Majesty permitted our laws to lie neglected, in England, for years, neither confirming them by his assent, nor annulling them by his negative: so, that such of them as have no suspending clause, we hold on the most precarious of all tenures, his Majesty's will; and such of them as suspend themselves till his Majesty's assent be obtained, we have feared might be called into existence at some future and distant period, when time and change of circumstances shall have rendered them destructive to his people here. And, to render this grievance still more oppressive, his Majesty, by his instructions, has laid his Governors under such restrictions, that they can pass no law, of any moment, unless it have such suspending clause: so that, however immediate may be the call for legislative interposition, the law cannot be executed, till it has twice crossed the Atlantic, by which time the evil may have spent its whole force.

But in what terms reconcileable to Majesty, and at the same time to truth, shall we speak of a late instruction to his Majesty's Governor of the colony of Virginia, by which he is forbidden to assent to any law for the division of a county, unless the new county will consent to have no representative in Assembly? That colony has as yet affixed no boundary to the Westward. Their Western counties, therefore, are of indefinite extent. Some of them are actually seated many hundred miles from their Eastern limits. Is it possible, then, that his Majesty can have bestowed a single thought on the situation of those people, who, in order to obtain justice for injuries, however great or small, must, by the

laws of that colony, attend their county court at such a distance, with all their witnesses, monthly, till their litigation be determined? Or does his Majesty seriously wish, and publish it to the world, that his subjects should give up the glorious right of representation, with all the benefits derived from that, and submit themselves the absolute slaves of his sovereign will? Or is it rather meant to confine the legislative body to their present numbers, that they may be the cheaper bargain, whenever they shall become worth a purchase?

One of the articles of impeachment against Tresilian, and the other Judges of Westminster Hall, in the reign of Richard the second, for which they suffered death, as traitors to their country, was, that they had advised the King, that he might dissolve his Parliament at any time: and succeeding Kings have adopted the opinion of these unjust Judges. Since the establishment, however, of the British constitution, at the glorious Revolution, on its free and antient principles, neither his Majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain;* and, when his Majesty was petitioned, by the united voice of his people there, to dissolve the present Parliament, who had become obnoxious to them, his Ministers were heard to declare, in open Parliament, that his Majesty possessed no such power by the constitution. But how different their language, and his practice, here! To declare, as their duty required, the known rights of their country, to oppose the usurpation of every foreign judicature, to disregard the imperious mandates of a Minister or Governor, have been the avowed causes of dissolving Houses of Representatives in America. But if such powers be really vested in his Majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents, when they have notoriously made sale of their most valuable rights, when they have assumed to themselves powers which the people never put into their hands, then, indeed, their continuing in office becomes dangerous to the state, and calls for an exercise of the power of dissolution. Such being the causes for which the representative body should, and should not, be dissolved, will it not appear strange, to an unbiassed observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

* On further enquiry, I find two instances of dissolutions before the Parliament would, of itself, have been at an end; viz. the Parliament called to meet August 24, 1698, was dissolved by King William, December 19, 1700, and a new one called, to meet February 6, 1701, which was also dissolved, November 11, 1701, and a new one met December 30, 1701.

But your Majesty, or your Governors, have carried this power beyond every limit known or provided for by the laws. After dissolving one House of Representatives, they have refused to call another, so that, for a great length of time, the legislature provided by the laws, has been out of existence. From the nature of things, every society must, at all times, possess within itself the sovereign powers of legislation. The feelings of human nature revolt against the supposition of a state so situated, as that it may not, in any emergency, provide against dangers which, perhaps, threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess, and may exercise, those powers. But when they are dissolved, by the lopping off one or more of their branches, the power reverts to the people, who may use it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete.

That we shall, at this time also, take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the Feudal tenures into the kingdom of England, though antient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement, feudal holdings were certainly altogether unknown, and very few, if any, had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disencumbered with any superior, answering nearly to the nature of those possessions which the Feudalists term Allodial. William the Norman, first introduced that system generally. The lands which had belonged to those who fell in the battle of Hastings, and in the subsequent insurrections of his reign, formed a considerable proportion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions or threats, were induced to surrender them for that purpose. But still, much was left in the hands of his Saxon subjects, held of no superior, and not subject to feudal conditions. These, therefore, by express laws, enacted to render uniform the system of military defence, were made liable to the same military duties as if they had been feuds: and the Norman lawyers soon found means to saddle them, also, with all the other feudal burthens. But still they had not been surrendered to the King, they were not derived from his grant, and therefore they were not holden of him. A general

principle indeed was introduced, that 'all lands in England were held either mediately or immediately of the Crown:' but this was borrowed from those holdings which were truly feudal, and only applied to others for the purposes of illustration. Feudal holdings were, therefore, but exceptions out of the Saxon laws of possession, under which all lands were held in absolute right. These, therefore, still form the basis or groundwork of the Common law, to prevail wheresoever the exceptions have not taken place. America was not conquered by William the Norman, nor its lands surrendered to him or any of his successors. Possessions there are, undoubtedly, of the Allodial nature. Our ancestors, however, who migrated hither, were laborers, not lawyers. The fictitious principle, that all lands belong originally to the King, they were early persuaded to believe real, and accordingly took grants of their own lands from the Crown. And while the Crown continued to grant for small sums and on reasonable rents, there was no inducement to arrest the error, and lay it open to public view. But his Majesty has lately taken on him to advance the terms of purchase and of holding, to the double of what they were; by which means, the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his Majesty, and to declare, that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits, which any particular society has circumscribed around itself, are assumed by that society, and subject to their allotment; this may be done by themselves assembled collectively, or by their legislature, to whom they may have delegated sovereign authority: and, if they are allotted in neither of these ways, each individual of the society, may appropriate to himself such lands as he finds vacant, and occupancy will give him title.

That, in order to enforce the arbitrary measures before complained of, his Majesty has, from time to time, sent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws. Did his Majesty possess such a right as this, it might swallow up all our other rights, whenever he should think proper. But his Majesty has no right to land a single armed man on our shores; and those whom he sends here are liable to our laws, for the suppression and punishment of Riots, Routs, and unlawful assemblies, or are hostile bodies invading us in defiance of law. When, in the course of the late war, it became expedient, that a body of Hanoverian troops should be brought over for the defence of Great Britain, his Majesty's grandfather, our late sovereign, did not pretend to introduce them under any

authority he possessed. Such a measure would have given just alarm to his subjects of Great Britain, whose liberties would not be safe if armed men of another country, and of another spirit, might be brought into the realm at any time, without the consent of their legislature. He, therefore, applied to Parliament, who passed an act for that purpose, limiting the number to be brought in, and the time they were to continue. In like manner is his Majesty restrained in every part of the empire. He possesses indeed the executive power of the laws in every state; but they are the laws of the particular state, which he is to administer within that state, and not those of any one within the limits of another. Every state must judge for itself, the number of armed men which they may safely trust among them, of whom they are to consist, and under what restrictions they are to be laid. To render these proceedings still more criminal against our laws, instead of subjecting the military to the civil power, his Majesty has expressly made the civil subordinate to the military. But can his Majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right.

That these are our grievances, which we have thus laid before his Majesty, with that freedom of language and sentiment which becomes a free people, claiming their rights as derived from the laws of nature, and not as the gift of their Chief Magistrate. Let those flatter, who fear: it is not an American art. To give praise where it is not due, might be well from the venal, but would ill beseem those who are asserting the rights of human nature. They know, and will, therefore, say, that Kings are the servants, not the proprietors of the people. Open your breast, Sire, to liberal and expanded thought. Let not the name of George the third, be a blot on the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader: to pursue them, requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire, to the inordinate desires of another: but deal out to all, equal and impartial right. Let no act be passed by any one legislature, which may infringe on the rights and liberties of another. This is the important post in which

fortune has placed you, holding the balance of a great, if a well poised empire. This, Sire, is the advice of your great American council, on the observance of which, may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue, both to Great Britain and America, the reciprocal advantages of their connection. It is neither our wish nor our interest to separate from her. We are willing, on our part, to sacrifice every thing which reason can ask, to the restoration of that tranquillity for which all must wish. On their part, let them be ready to establish union on a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets, to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less, let it be proposed, that our properties, within our own territories, shall be taxed or regulated by any power on earth, but our own. The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them. This, Sire, is our last, our determined resolution. And that you will be pleased to interpose, with that efficacy which your earnest endeavors may insure, to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that that may continue to the latest ages of time, is the fervent prayer of all British America.

[Note D.]

August, 1774.

Instructions for the Deputies appointed to meet in General Congress on the part of this Colony.

The unhappy disputes between Great Britain and her American colonies, which began about the third year of the reign of his present Majesty, and since, continually increasing, have proceeded to lengths so dangerous and alarming, as to excite just apprehensions in the minds of his Majesty's faithful subjects of this colony, that they are in danger of being deprived of their natural, antient, constitutional, and chartered rights, have compelled them to take

the same into their most serious consideration; and, being deprived of their usual and accustomed mode of making known their grievances, have appointed us their representatives, to consider what is proper to be done in this dangerous crisis of American affairs. It being our opinion, that the united wisdom of North America, should be collected in a General Congress of all the colonies, we have appointed the Honorable Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, Esquires, deputies to represent this colony in the said Congress, to be held at Philadelphia, on the first Monday in September next.

And that they may be the better informed of our sentiments, touching the conduct we wish them to observe on this important occasion, we desire that they will express, in the first place, our faith and true allegiance to his Majesty, King George the third, our lawful and rightful sovereign; and that we are determined, with our lives and fortunes, to support him in the legal exercise of all his just rights and prerogatives. And, however misrepresented, we sincerely approve of a constitutional connection with Great Britain, and wish, most ardently, a return of that intercourse of affection and commercial connection, that formerly united both countries, which can only be effected by a removal of those causes of discontent, which have of late unhappily divided us.

It cannot admit of a doubt, but that British subjects in America, are entitled to the same rights and privileges, as their fellow subjects possess in Britain; and therefore, that the power assumed by the British Parliament, to bind America by their statutes, *in all cases* whatsoever, is unconstitutional, and the source of these unhappy differences.

The end of government would be defeated by the British Parliament exercising a power over the lives, the property, and the liberty of American subjects; who are not, and, from their local circumstances, cannot be, there represented. Of this nature, we consider the several acts of Parliament, for raising a revenue in America, for extending the jurisdiction of the courts of Admiralty, for seizing American subjects, and transporting them to Britain, to be tried for crimes committed in America, and the several late oppressive acts respecting the town of Boston, and Province of the Massachusetts Bay.

The original constitution of the American colonies, possessing their assemblies with the sole right of directing their internal polity, it is absolutely destructive of the end of their institution, that their legislatures should be suspended, or prevented, by hasty dissolutions, from exercising their legislative powers.

Wanting the protection of Britain, we have long acquiesced in their acts of navigation, restrictive of our commerce, which we consider as an ample recompense for such protection; but as those acts derive their efficacy from that foundation alone, we have reason to expect they will be restrained, so as to produce the reasonable purposes of Britain, and not injurious to us.

To obtain redress of these grievances, without which the people of America can neither be safe, free, nor happy, they are willing to undergo the great inconvenience that will be derived to them, from stopping all imports whatsoever, from Great Britain, after the first day of November next, and also to cease exporting any commodity whatsoever, to the same place, after the tenth day of August, 1775. The earnest desire we have to make as quick and full payment as possible, of our debts to Great Britain, and to avoid the heavy injury that would arise to this country, from an earlier adoption of the non-exportation plan, after the people have already applied so much of their labor to the perfecting of the present crop, by which means, they have been prevented from pursuing other methods of clothing and supporting their families, have rendered it necessary to restrain you in this article of non-exportation; but it is our desire, that you cordially co-operate with our sister colonies in General Congress, in such other just and proper methods as they, or the majority, shall deem necessary for the accomplishment of these valuable ends.

The proclamation issued by General Gage, in the government of the Province of the Massachusetts Bay, declaring it treason for the inhabitants of that province to assemble themselves to consider of their grievances, and form associations for their common conduct on the occasion, and requiring the civil magistrates and officers to apprehend all such persons, to be tried for their supposed offences, is the most alarming process that ever appeared in a British government; that the said General Gage, hath, thereby, assumed, and taken upon himself, powers denied by the constitution to our legal sovereign; that he, not having condescended to disclose by what authority he exercises such extensive and unheard of powers, we are at a loss to determine, whether he intends to justify himself as the representative of the King, or as the Commander in Chief of his Majesty's forces in America. If he considers himself as acting in the character of his Majesty's representative, we would remind him that the statute 25th, Edward the third, has expressed and defined all treasonable offences, and that the legislature of Great Britain hath declared, that no offence shall be construed to be treason, but such as is pointed out by that statute, and that this was done to take out of the hands of tyrannical Kings,

and of weak and wicked Ministers, that deadly weapon, which constructive treason had furnished them with, and which had drawn the blood of the best and honestest men in the kingdom; and that the King of Great Britain, hath no right by his proclamation, to subject his people to imprisonment, pains, and penalties.

That if the said General Gage conceives he is empowered to act in this manner, as the Commander in Chief of his Majesty's forces in America, this odious, and illegal proclamation must be considered as a plain and full declaration, that this despotick Viceroy will be bound by no law, nor regard the constitutional rights of his Majesty's subjects, whenever they interfere with the plan he has formed for oppressing the good people of the Massachusetts Bay; and, therefore, that the executing, or attempting to execute, such proclamation, will justify resistance and reprisal.

[Note E.]

Monticello, November 1, 1778.

Dear Sir,

I have got through the bill 'for proportioning crimes and punishments in cases heretofore capital,' and now enclose it to you with a request that you will be so good, as scrupulously to examine and correct it, that it may be presented to our committee, with as few defects as possible. In its style, I have aimed at accuracy, brevity, and simplicity, preserving, however, the very words of the established law, wherever their meaning had been sanctioned by judicial decisions, or rendered technical by usage. The same matter, if couched in the modern statutory language, with all its tautologies, redundancies and circumlocutions, would have spread itself over many pages, and been unintelligible to those whom it most concerns. Indeed, I wished to exhibit a sample of reformation in the barbarous style, into which modern statutes have degenerated from their antient simplicity. And I must pray you to be as watchful over what I have not said, as what is said; for the omissions of this bill have all their positive meaning. I have thought it better to drop, in silence, the laws we mean to discontinue, and let them be swept away by the general negative words of this, than to detail them in clauses of express repeal. By the side of the text I have written the notes I made, as I went along, for the benefit of my own memory. They may serve to draw your attention to questions, to which the expressions or the omissions of the text may give rise. The extracts from the Anglo-Saxon laws, the sources

of the Common law, I wrote in their original, for my own satisfaction;* but I have added Latin, or liberal English translations. From the time of Canute to that of the Magna Charta, you know, the text of our statutes is preserved to us in Latin only, and some old French.

I have strictly observed the scale of punishments settled by the Committee, without being entirely satisfied with it. The *Lex talionis*, although a restitution of the Common law, to the simplicity of which we have generally found it so advantageous to return, will be revolting to the humanised feelings of modern times. An eye for an eye, and a hand for a hand, will exhibit spectacles in execution whose moral effect would be questionable; and even the *membrum pro membro* of Bracton, or the punishment of the offending member, although long authorised by our law, for the same offence in a slave, has, you know, been not long since repealed, in conformity with public sentiment. This needs reconsideration.

I have heard little of the proceedings of the Assembly, and do not expect to be with you till about the close of the month. In the meantime, present me respectfully to Mrs. Wythe, and accept assurances of the affectionate esteem and respect of, dear Sir,

Your friend and servant,

TH: JEFFERSON.

George Wythe, Esq.

A bill for proportioning crimes and punishments, in cases heretofore capital.

Whereas, it frequently happens that wicked and dissolute men, resigning themselves to the dominion of inordinate passions, commit violations on the lives, liberties, and property of others, and, the secure enjoyment of these having principally induced men to enter into society, government would be defective, in its principal purpose, were it not to restrain such criminal acts, by inflicting due punishments on those who perpetrate them; but it appears, at the same time, equally deducible from the purposes of society, that a member thereof, committing an inferior injury, does not wholly forfeit the protection of his fellow citizens, but, after suffering a punishment in proportion to his offence, is entitled to their protection from all greater pain, so that it becomes a duty in the legis-

[* In this publication, the original Saxon words are given, but, owing to the want of Saxon letter, they are printed in common type.]

lature to arrange, in a proper scale, the crimes which it may be necessary for them to repress, and to adjust thereto a corresponding gradation of punishments.

And whereas, the reformation of offenders, though an object worthy the attention of the laws, is not effected at all by capital punishments, which exterminate, instead of reforming, and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow citizens, which also weaken the State, by cutting off so many who, if reformed, might be restored sound members to society, who, even under a course of correction, might be rendered useful in various labors for the public, and would be living and long continued spectacles to deter others from committing the like offences.

And forasmuch as the experience of all ages and countries hath shewn, that cruel and sanguinary laws defeat their own purpose, by engaging the benevolence of mankind to withhold prosecutions, to smother testimony, or to listen to it with bias, when, if the punishment were only proportioned to the injury, men would feel it their inclination, as well as their duty, to see the laws observed.

For rendering crimes and punishments, therefore, more proportionate to each other:

Be it enacted by the General Assembly, that no crime shall be henceforth punished by deprivation of life or limb,* except those hereinafter ordained to be so punished.

†If a man do levy war‡ against the Commonwealth [*in the same*], or be adherent to the enemies of the Commonwealth [*within the same,*]§ giving to them aid or comfort in the Commonwealth,

* This takes away the punishment of cutting off the hand of a person striking another, or drawing his sword in one of the superior courts of justice. Stamf. P. C. 38. 33. H. 8. c. 12. In an earlier stage of the Common law, it was death. Gif hwa gefeohte on Cyninges huse sy he scyldig ealles his yrfes, and sy on Cyninges dome hwæther he lif age de nage: si quis in regis domo pugnet, perdat omnem suam haereditatem, et in regis sit arbitrio, possideat vitam an non possideat. Ll. Inae. 6. Gif hwa on Cyninges healle gefeohte, oththe his wæpne gebrede, and hine mon gefo, sy thæt on Cyninges dome swa death, swa lif, swa he hiin forgyfan wille: si quis in aula regia pugnet, vel arma sua extrahat et capiatur, sit in regis arbitrio tam mors quam vita, sicut ei condonare voluerit. Ll. Alfr. 7. Gif hwa on Cyninges hirede gefeohte tholige thæt lifes, buton se Cyning him gearian wille: si quis in regia dimicat, perdat vitam, nisi rex hoc illi condonare velit. Ll. Cnuti. 56. 4. Bl. 125.

† 25. E. 3. st. 5. c. 2. 7. W. 3. c. 3. § 2.

‡ Though the crime of an accomplice in treason is not here described, yet, Lord Coke says, the partaking and maintaining a treason herein described, makes him a principal in that treason; it being a rule that in treason all are principals. 3 Inst. 138. 2 Inst. 590. 1 H. 6. 5.

§ These words in the English statute narrow its operation. A man adhering to the enemies of the Commonwealth, in a foreign country, would certainly not be guilty of treason with us, if these words be retained. The convictions

or elsewhere, and thereof be convicted of open deed, by the evidence of two sufficient witnesses, or his own voluntary confession, the said cases, and no* others, shall be adjudged treasons which extend to the Commonwealth, and the person so convicted shall suffer death by hanging,† and shall forfeit his lands and goods to the Commonwealth.

If any person commit Petty treason, or a husband murder his wife, a parent‡ his child, or a child his parent, he shall suffer death

of treason of that kind in England, have been under that branch of the statute which makes the compassing the king's death treason. Foster 196. 197. But as we omit that branch, we must by other means reach this flagrant case.

* The stat. 25. E. 3. directs all other cases of treasons to await the opinion of Parliament. This has the effect of negative words, excluding all other treasons. As we drop that part of the statute, we must, by negative words, prevent an inundation of common law treasons. I strike out the word 'it,' therefore, and insert 'the said cases and no others.' Quære, how far those negative words may affect the case of accomplices above mentioned? Though if their case was within the statute, so as that it needed not await the opinion of Parliament, it should seem to be also within our act, so as not to be ousted by the negative words.

† This implies 'by the neck.' See 2 Hawk. 444. notes n. o.

‡ By the stat. 21. Jac. 1. c. 27. and Act Ass. 1710. c. 12. concealment by the mother of the death of a bastard child is made murder. In justification of this, it is said, that shame is a feeling which operates so strongly on the mind, as frequently to induce the mother of such a child to murder it, in order to conceal her disgrace. The act of concealment, therefore, proves she was influenced by shame, and that influence produces a presumption that she murdered the child. The effect of this law then, is, to make what, in its nature, is only presumptive evidence of a murder, conclusive of that fact. To this I answer, 1. So many children die before, or soon after birth, that to presume all those murdered who are found dead, is a presumption which will lead us oftener wrong than right, and consequently would shed more blood than it would save. 2. If the child were born dead, the mother would naturally choose rather to conceal it, in hopes of still keeping a good character in the neighborhood. So that the act of concealment is far from proving the guilt of murder on the mother. 3. If shame be a powerful affection of the mind, is not parental love also? Is it not the strongest affection known? Is it not greater than even that of self-preservation? While we draw presumptions from shame, one affection of the mind, against the life of the prisoner, should we not give some weight to presumptions from parental love, an affection at least as strong, in favor of life? If concealment of the fact is a presumptive evidence of murder, so strong as to overbalance all other evidence that may possibly be produced to take away the presumption, why not trust the force of this incontestable presumption to the jury, who are, in a regular course, to hear presumptive, as well as positive testimony? If the presumption, arising from the act of concealment, may be destroyed by proof positive or circumstantial to the contrary, why should the legislature preclude that contrary proof? Objection. The crime is difficult to prove, being usually committed in secret. Answer. But circumstantial proof will do; for example, marks of violence, the behavior, countenance, &c. of the prisoner, &c. And if conclusive proof be difficult to be obtained, shall we therefore fasten irremovably upon equivocal proof? Can we change the nature of what is contestable, and make it incontestable? Can we make that conclusive which God and nature have made inconclusive? Solon made no law against parricide, supposing it impossible any one could be guilty of it; and the Persians, from the same opinion, adjudged all who killed their reputed parents to be bastards: and

by hanging, and his body be delivered to Anatomists to be dissected.

Whosoever committeth murder by poisoning, shall suffer death by poison.

Whosoever committeth murder by way of duel, shall suffer death by hanging; and if he were the challenger, his body, after death, shall be gibbeted.* He who removeth it from the gibbet, shall be guilty of a misdemeanor; and the officer shall see that it be replaced.

Whosoever shall commit murder in any other way, shall suffer death by hanging.

And in all cases of Petty treason and murder, one half of the lands and goods of the offender, shall be forfeited to the next of kin to the person killed, and the other half descend and go to his own representatives. Save only, where one shall slay the challenger in a duel,† in which case, no part of his lands or goods shall be forfeited to the kindred of the party slain, but, instead thereof, a moiety shall go the Commonwealth.

The same evidence‡ shall suffice, and order and course§ of trial be observed in cases of Petty treason, as in those of other‖ murders.

Whosoever shall be guilty of manslaughter,¶ shall, for the first offence, be condemned to hard** labor for seven years, in the

although parental, be yet stronger than filial affection, we admit saticide proved on the most equivocal testimony, whilst they rejected all proof of an act, certainly not more repugnant to nature, as of a thing impossible, unprovable. See Beccaria, § 31.

* 25. G. 2. c. 37.

† Quære, if the estates of both parties in a duel, should not be forfeited? The deceased is equally guilty with a suicide.

‡ Quære, if these words may not be omitted? By the Common law, one witness in treason was sufficient. Foster 233. Plowd. 8. a. Mirror c. 3. § 34. Waterhouse on Fortesc. de laud. 252. Carth. 144. per Holt. But Lord Coke, contra 3 inst. 26. The stat. 1. E. 6. c. 12. & 5. E. 6. c. 11. first required two witnesses in treason. The clause against high treason supra, does the same as to high treason: but it seems if 1st and 5th E. 6. are dropped, Petty treason will be tried and proved, as at Common law, by one witness. But quære, Lord Coke being contra, whose opinion it is ever dangerous to neglect.

§ These words are intended to take away the peremptory challenge of thirty-five jurors. The same words being used 1. 2. Ph. & M. c. 10. are deemed to have restored the peremptory challenge in high treason; and consequently are sufficient to take it away. Foster 237.

‖ Petty treason is considered in law only as an aggravated murder. Foster 107. 323. A pardon of all murders, pardons Petty treason. 1 Hale P. C. 378. see 2 H. P. C. 340. 342. It is also included in the word 'felony,' so that a pardon of all felonies, pardons Petty treason.

¶ Manslaughter is punishable at law, by burning in the hand, and forfeiture of chattels.

** It is best, in this act, to lay down principles only, in order that it may not for ever be undergoing change: and, to carry into effect the minuter parts

public works, shall forfeit one half of his lands and goods to the next of kin to the person slain; the other half to be sequestered during such term, in the hands and to the use of the Commonwealth, allowing a reasonable part of the profits for the support of his family. The second offence shall be deemed murder.

And where persons, meaning to commit a trespass* only, or larceny, or other unlawful deed, and doing an act from which involuntary homicide hath ensued, have heretofore been adjudged guilty of manslaughter, or of murder, by transferring such their unlawful intention to an act, much more penal than they could have in probable contemplation; no such case shall hereafter be deemed manslaughter, unless manslaughter was intended, nor murder, unless murder was intended.

In other cases of homicide, the law will not add to the miseries of the party, by punishments or forfeitures.†

of it, frame a bill 'for the employment and government of felons, or malefactors, condemned to labor for the Commonwealth,' which may serve as an Appendix to this, and in which all the particulars requisite may be directed: and as experience will, from time to time, be pointing out amendments, these may be made without touching this fundamental act. See More's Utopia pa. 50. for some good hints. Fugitives might, in such a bill, be obliged to work two days for every one they absent themselves.

* The shooting at a wild fowl, and killing a man, is homicide by misadventure. Shooting at a pullet, without any design to take it away, is manslaughter; and with a design to take it away, is murder. 6 Sta. tr. 222. To shoot at the poultry of another, and thereby set fire to his house, is arson, in the opinion of some. Dalt. c. 116. 1. Hale's P. C. 569. contra.

† Beccaria. § 32. Suicide. Homicides are, 1. Justifiable. 2. Excusable. 3. Felonious. For the last, punishments have been already provided. The first are held to be totally without guilt, or rather commendable. The second are in some cases, not quite unblamable. These should subject the party to marks of contrition; viz. the killing of a man in defence of property; so also in defence of one's person, which is a species of excusable homicide; because, although cases may happen where these also are commendable, yet most frequently, they are done on too slight appearance of danger; as in return for a blow, kick, fillup, &c.; or on a person's getting into a house, not animo furandi, but perhaps veneris causa, &c. Bracton says, 'si quis furem nocturnum occident, ita demum impune foret, si parcere ei sine periculo suo non potuit, si autem potuit, aliter erit.' Item erit si quis hamsokne quae dicitur invasio domus contra pacem domini regis in domo sua se defenderit, et invasor occisus fuerit; impersecutus et inultus remanebit, si ille quem invasit aliter se defendere non potuit; dicitur enim quod non est dignus habere pacem qui non vult observare eam.' L. 3. c. 23. § 3. 'Qui latronem occiderit, non tenetur, nocturnum vel diurnum, si aliter periculum evadere non possit; tenetur tamen si possit. Item non tenetur si per infortunium, et non animo et voluntate occidendi, nec dolus, nec culpa ejus inveniatur.' L. 3. c. 36. § 1. The stat. 24. H. 8. c. 5. is therefore merely declaratory of the Common law. See on the general subject Puffend. 2. 5. § 10. 11. 12. 16. 17. Excusable homicides are by misadventure, or in self-defence. It is the opinion of some lawyers, that the Common law punished these with death, and that the statute of Marlbridge, c. 26. and Gloucester, c. 9. first took away this by giving them title to a pardon, as matter of right, and a writ of restitution of their goods. See 2. Inst. 148. 315. 3. Inst. 55. Bracton L. 3. c. 4. § 2. Fleta L. 1. c. 23. §. 14. 15.

Whenever sentence of death shall have been pronounced against any person for treason or murder, execution shall be done on the next day but one after such sentence, unless it be Sunday, and then on the Monday following.*

Whosoever shall be guilty of Rape,† Polygamy,‡ or Sodomy§

21. E. 3. 23. But it is believed never to have been capital. 1. H. P. C. 425. 1. Hawk. 75. Foster, 282. 4. Bl. 188. It seems doubtful also, whether at Common law, the party forfeited all his chattels in this case, or only paid a weregild. Foster, ubi supra, doubts, and thinks it of no consequence, as the statute of Gloucester entitles the party to Royal grace, which goes as well to forfeiture as life. To me, there seems no reason for calling these excusable homicides, and the killing a man in defence of property, a justifiable homicide. The latter is less guiltless than misadventure or self-defence.

Suicide is by law punishable by forfeiture of chattels. This bill exempts it from forfeiture. The suicide injures the state less than he who leaves it with his effects. If the latter then be not punished, the former should not. As to the example, we need not fear its influence. Men are too much attached to life, to exhibit frequent instances of depriving themselves of it At any rate, the quasi-punishment of confiscation will not prevent it. For if one be found who can calmly determine to renounce life, who is so weary of his existence here, as rather to make experiment of what is beyond the grave, can we suppose him, in such a state of mind, susceptible of influence from the losses to his family by confiscation? That men in general, too, disapprove of this severity, is apparent from the constant practice of juries finding the suicide in a state of insanity; because they have no other way of saving the forfeiture. Let it then be done away.

* Beccaria. § 19. 25. G. 2. c. 37.

† 13. E. 1. c. 34. Forcible abduction of a woman having substance, is felony by 3. H. 7. c. 2. 3. Inst. 61. 4. Bl. 208. If goods be taken, it will be felony as to them, without this statute: and as to the abduction of the woman, quære if not better to leave that, and also kidnapping, 4. Bl. 219. to the Common law remedies, viz. fine, imprisonment, and pillory, Raym. 474. 2. Show. 221. Skin. 47. Comb. 10. the writs of Homine replegiando, Capias in Withernam, Habeas corpus, and the action of trespass? Rape was felony at the Common law. 3. Inst. 60. but see 2. Inst. 181. further—for its definition see 2. Inst. 180. Bracton, L. 3. c. 28. § 1. says, the punishment of rape is 'amissio membrorum, ut sit membrum pro membro, quia virgo, cum corrumpitur, membrum amittit, et ideo corruptor puniatur in eo in quo deliquit; oculos igitur amittat propter aspectum decoris quo virginem concupivit; amittat et testiculos qui calorem stupri induxerunt. Olim quidem corruptores virginitatis et castitatis suspendebantur et eorum fautores, &c. Modernis tamen temporibus aliter observatur,' &c. And Fleta, 'solet justiciarius pro quolibet mahemio ad amissionem testiculorum vel oculorum convictum condemnare, sed non sine errore, eo quod id judicium nisi in corruptione virginum tantum competebat; nam pro virginitatis corruptione solebant abscidi et merito judicari, ut sic pro membro quod abstulit, membrum per quod deliquit amitteret, viz. testiculos, qui calorem stupri induxerunt,' &c. Fleta, L. 1. c. 40. § 4. 'Gif theow man theowne to nydhæmed genyde, gabete mid his eowende:' Si servus servam ad stuprum coegerit, compenset hoc virga sua virili. Si quis puellam,' &c. Ll. Aelfridi. 25. 'Hi purgist femme per forze forfait ad les membres. Ll. Gul. conq. 19. In

† 1. Jac 1. c. 11. Polygamy was not penal till the statute 1. Jac. The law contented itself with the nullity of the act. 4. Bl. 163. 3. Inst. 88

§ 25. H. 8. c. 6. Buggery is twofold. 1. With mankind, 2. with beasts. Buggery is the Genus, of which Sodomy and Bestiality, are the species. 12. Co. 37. says,

with man or woman, shall be punished, if a man, by castration,* if a woman, by cutting through the cartilage of her nose a hole of one half inch in diameter at the least.

But no one shall be punished for Polygamy, who shall have married after probable information of the death of his or her husband or wife, or after his or her husband or wife, hath absented him or herself, so that no notice of his or her being alive, hath reached such person for seven years together, or hath suffered the punishments before prescribed for rape, polygamy, or sodomy.

Whosoever on purpose, and of malice forethought, shall maim† another, or shall disfigure him, by cutting out or disabling the tongue, slitting or cutting off a nose, lip or ear, branding, or otherwise, shall be maimed, or disfigured in like‡ sort: or if that cannot

In Dyer, 304. a man was indicted, and found guilty of rape on a girl of seven years old. The court 'doubted of the rape of so tender a girl; but if she had been nine years old, it would have been otherwise.' 14. Eliz. Therefore the statute 18. Eliz. c. 6. says, 'for plain declaration of law, be it enacted, that if any person shall unlawfully and carnally know and abuse any woman child, under the age of ten years, &c. he shall suffer as a felon, without allowance of clergy.' Lord Hale, however, 1. P. C. 630. thinks it rape independent of that statute, to know carnally, a girl under twelve, the age of consent. Yet 4. Bl. 212. seems to neglect this opinion; and as it was founded on the words of 3. E. 1. c. 13. and this is with us omitted, the offence of carnally knowing a girl under twelve, or ten years of age, will not be distinguished from that of any other.

* Bracton, Fleta, &c.

† 22. 23. Car. 2. c. 1. Maiming, was felony at the Common law. Britton, c. 25. 'Mahemium autem dici poterit, ubi aliquis in aliqua parte sui corporis laesionem acceperit, per quam affectus sit inutilis ad pugnandum: ut si manus amputetur, vel pes, oculus privetur, vel scerda de osse capitis lavetur, vel si quis dentes praecisores amiserit, vel castratus fuerit, et talis pro mahemiato poterit adjudicari.' Fleta L. 1 c. 40. 'Et volons que nul maheme ne soit tenus forsque de membre tollet dount home est plus feble a combatre, sicome del oyl, ou de la mayn, ou del pie, ou de la tete debruse, ou de les dentz devant.' Britton, c. 25. For further definitions, see Bracton, L. 3. c. 24. § 3. 4. Finch L. B. 3. c. 12. Co. L. 126. a. b. 288. a. 3. Bl. 121. 4. Bl. 205. Stamf. P. C. L. 1. c. 41. I do not find any of these definitions confine the offence to wilful and malicious perpetrations of it. 22. 23. Car. 2. c. 1. called the Coventry act, has the words 'on purpose and of malice forethought.' Nor does the Common law prescribe the same punishment for disfiguring, as for maiming.

‡ The punishment was by retaliation. 'Et come ascun appele serra de tele

Co. 37. says 'note that Sodomy is with mankind.' But Finch's L. B. 3. c. 24. 'Sodomitry is a carnal copulation against nature, to wit, of man or woman in the same sex, or of either of them with beasts.' 12. Co. 36. says, 'it appears by the antient authorities of the law that this was felony.' Yet the 25. H. 8. declares it felony, as if supposed not to be so. Britton, c. 9. says, that Sodomites are to be burnt. F. N. B. 269. b. Fleta, L. 1. c. 37. says, 'pecorantes et Sodomitae in terra vivi confodiantur.' The Mirror makes it treason. Bestiality can never make any progress; it cannot therefore be injurious to society in any great degree, which is the true measure of criminality in foro civili, and will ever be properly and severely punished, by universal derision. It may, therefore, be omitted. It was antiently punished with death, as it has been latterly. Ll. Aelfrid. 31. and 25. H. 8. c. 6. see Beccaria. § 31. Montesq.

be for want of the same part, then as nearly as may be, in some other part of at least equal value and estimation, in the opinion of a jury, and moreover, shall forfeit one half of his lands and goods to the sufferer.

Whosoever shall counterfeit* any coin, current by law within this Commonwealth, or any paper bills issued in the nature of money, or of certificates of loan on the credit of this Commonwealth, or of all or any of the United States of America, or any Inspectors' notes for tobacco, or shall pass any such counterfeited coin, paper, bills, or notes, knowing them to be counterfeit; or, for the sake of lucre shall diminish,† case, or wash any such coin, shall be condemned to hard labor six years in the public works, and shall forfeit all his lands and goods to the Commonwealth.

‡ Whosoever committeth Arson, shall be condemned to hard labor five years in the public works, and shall make good the loss of the sufferers threefold.§

felonie atteint et attende jugement, si soit le jugement tiel que il perde autriel membre come il avera tollet al pleintyfe. Et sy la pleynte soit faite de femme que avera tollet a home ses membres, en tiel cas perdra la femme la une meyn par jugement, come le membre dount ele avera trespasse.' Britton, c. 25. Fleta. B. 1. c. 40. Ll. Aelfr. 19. 40.

* 25. E. 3. st. 5. c 2. 5. El. c. 11. 18. El. c. 1. 8. 9. W. 3. c. 26. 15. 16. G. 2. c. 28. 7. Ann. c. 25. By the laws of Aethelstan and Canute, this was punished by cutting off the hand. 'Gif se mynetere ful wurthe slea man tha hand of, the he that ful mid worthe and sette uppon tha mynet smiththan.' In English characters and words 'if the minter foul [criminal] wert, slay the hand off, that he the foul [crime] with wrought, and set upon the mint-smithery.' Ll. Aethelst. 14. 'And sethe ofer this false wyrce, tholige thæra handa the he thæt false mid worhte.' 'Et si quis praeter hanc, falsam fecerit, perdat manum quacum falsam confecit.' Ll. Cnuti. 8. It had been death by the Ll. Aethelredi sub fine. By those of H. 1. 'si quis cum falso denario inventus fuerit—fiat justitia mea, saltem de dextro pugno et de testiculis.' Anno 1108. Operae pretium vero est audire quam severus rex fuerit in pravos. Monetarios enim fere omnes totius Angliae fecit ementulari, et manus dextras abscindi, quia monetam furtive corruperant. Wilkins ib. et anno 1125. When the Common law became settled, it appears to have been punishable by death. 'Est aliud genus criminis quod sub nomine falsi continetur, et tangit coronam domini regis, et ultimum inducit supplicium, sicut de illis qui falsam fabricant monetam, et qui de re non reproba, faciunt reprobam; sicut sunt retonsores denariorum. Bract. L. 3. c. 3. § 2. Fleta, L. 1. c. 22. § 4. Lord Hale thinks it was deemed petty treason at common law. 1. H. P. C. 220. 224. The bringing in false money with *intent* to merchandize, and make payment of it is treason, by 25. E. 3. But the best proof of the intention, is the act of passing it, and why not leave room for repentance here, as in other cases of felonies intended? 1. H. P. C. 229.

† Clipping, filing, rounding, impairing, scaling, lightening, (the words in the statutes) are included in 'diminishing:' gilding, in the word 'casing;' colouring in the word 'washing;' and falsifying or marking, is 'counterfeiting.'

‡ 43. El. c. 13. confined to four counties.* 22. 23. Car. 2. c. 7. 9 G. 1. c. 22. 9. G. 3. c. 29.

§ Arson was a felony at Common law—3. inst. 66; punished by a fine, Ll. Aethelst. 6. But Ll. Cnuti, 61. make it a 'scelus inexpiable.' 'Ilus brec and

If any person shall, within this Commonwealth, or being a citizen thereof, shall without the same, wilfully destroy,* or run† away with any sea-vessel, or goods laden on board thereof, or plunder or pilfer any wreck, he shall be condemned to hard labor five years in the public works, and shall make good the loss of the sufferers threefold.

Whosoever committeth Robbery,‡ shall be condemned to hard labor four years in the public works, and shall make double reparation to the persons injured.

Whatsoever act, if committed on any Mansion house, would be deemed Burglary,§ shall be Burglary, if committed on any other

bærnet and open thyfth and æberemorth and hlaford swice æfter worulde laga is botleds.' Word for word, 'house break and burnt, and open theft, and manifest murther, and lord-treachery, afterworld's law is bootless' Bracton says it was punished by death. 'Si quis turbida seditione incendium fecerit nequiter et in felonia, vel ob inimicitias, vel praedandi causa, capitali puniatur poena vel sententia. Bract. L. 3. c. 27. He defines it as commissible by burning 'aedes alienas.' Ib. Britton, c. 9. 'Ausi soit enquis de ceux que felonisement en temps de pees eient autre *blees* ou autre *mesons* ars, et ceux que serrount de ceo atteyntz, soient ars issint que eux soient punys par mesme cele chose dount ilz pecherent.' Fleta, L. 1. c. 37. is a copy of Bracton. The Mirror c. 1. § 8. says, 'Ardours sont que ardent citie, ville, maison home, maison beast, ou auters chatelx, de lour felonie en temps de pace pour haine ou vengeance.' Again, c. 2. § 11. pointing out the words of the appellor 'jeo dise que Sebright, &c. entiel meason ou *biens* mist de feu.' Coke 3. Inst. 67. says, 'the antient authors extended this felony further than houses, viz. to stacks of corn, waynes or carts of coal, wood or other goods.' He defines it as commissible, not only on the inset houses, parcel of the mansion house, but the outset also, as barn, stable, cowhouse, sheep house, dairy house, mill house, and the like, parcel of the mansion house.' But 'burning of a barn, being no parcel of a mansion house, is no felony,' unless there be corn or hay within it. Ib. The 22. 23. Car. 2. and 9. G. 1 are the principal statutes against arson. They extend the offence beyond the Common law.

* 1. Ann. st. 2. c. 9. 12. Ann. c. 18. 4. G. 1. c. 12. 26. G. 2. c. 19.

† 11. 12. W. 3. c. 7.

‡ Robbery was a felony at Common law. 3 Inst. 68. 'Scelus inexpiable,' by the Ll. Cnuti. 61. [See before in Arson.] It was punished with death. Britt. c. 15, 'de robbours et de larouns et de semblables mesfesours, soit ausi ententivement enquis—et tauntost soient ceux robbours juges a la mort.' Fleta says, 'si quis convictus fuerit de bonis viri robbatis vel asportatis ad sectam regis judicium capitale subibit. L. 1. c. 39. See also Bract. L. 3. c. 32. § 1.

§ Burglary was felony at the Common law. 3 Inst. 63. It was not distinguished by antient authors, except the Mirror, from simple House-breaking, ib. 65. Burglary and House-breaking were called 'Hamsockne diximus etiam de pacis violatione et de immunitatibus domus, si quis hoc in posterum fecerit ut perdat omne quod habet, et sit in regis arbitrio utrum vitam habeat. Eac we quædon be mundbryce and be ham socnum, sethe hit ofer this do thæt he dolie ealles thæs the age, and sy on Cyninges dome hwæther he life age: and we quoth of mound-breach, and of home-seeking he who it after this do, that he dole all that he owe [owns], and is in king's doom whether he life owes [owns.] Ll. Eadmundi. c. 6. and see Ll. Cnuti. 61. 'hus brec,' in notes on Arson. ante. A Burglar was also called a Burgessor. 'Et soit enquis de Burgessours et sunt tenus Burgessours trestous ceux que *felonisement* en temps de pees debrusont esglises ou auter mesons, ou murs ou portes de nos

house; and he who is guilty of Burglary, shall be condemned to hard labor four years in the public works, and shall make double reparation to the persons injured.

Whatsoever act, if committed in the night time, shall constitute the crime of Burglary, shall, if committed in the day, be deemed House-breaking;* and whosoever is guilty thereof, shall be condemned to hard labor three years in the public works, and shall make reparation to the persons injured.

Whosoever shall be guilty of Horse-stealing,† shall be condemned to hard labor three years in the public works, and shall make reparation to the person injured.

Grand Larceny‡ shall be where the goods stolen are of the value of five dollars; and whosoever shall be guilty thereof, shall be

cytes, ou de nos Burghes.' Britt. c. 10. 'Burglaria est nocturna diruptio habitaculi alicujus, vel ecclesiae, etiam murorum, portarumve civitatis aut burgi, ad feloniam aliquam perpetrandam. *Noctanter* dico, recentiores secutus; veteres enim hoc non adjungunt. Spelm. gloss. verb. Burglaria. It was punished with death. Ib. citn. from the office of a Coroner. It may be committed in the outset houses, as well as inset, 3 Inst. 65. though not under the same roof or contiguous, provided they be within the Curtilage or Homestall. 4 Bl. 225. As by the Common law, all felonies were clergiable, the stat. 23 H. 8. c. 1. 5. E. 6. c. 9. and 18 El. c. 7. first distinguished them, by taking the clerical privilege of impunity from the principals, and 3. 4. W. M. c. 9. from accessories before the fact. No *statute* defines what Burglary is. The 12 Ann. c. 7. decides the doubt whether, where breaking is subsequent to entry, it is Burglary. Bacon's Elements had affirmed, and I. H. P. C. 554. had denied it. Our bill must distinguish them by different degrees of punishment.

* At the Common law, the offence of Housebreaking was not distinguished from Burglary, and neither of them from any other larceny. The statutes at first took away clergy from Burglary, which made a leading distinction between the two offences. Later statutes, however, have taken clergy from so many cases of Housebreaking, as nearly to bring the offences together again. These are 23 H. 8. c. 1. 1. E. 6. c. 12. 5 & 6 E. 6. c. 9. 3 & 4. W. M. c. 9. 39 El. c. 15. 10 & 11 W. 3. c. 23. 12 Ann. c. 7. See Barr. 428 4 Bl. 240. The circumstances which in these statutes characterise the offence, seem to have been occasional and unsystematical. The houses on which Burglary may be committed, and the circumstances which constitute that crime being ascertained, it will be better to define Housebreaking by the same subjects and circumstances, and let the crimes be distinguished only by the hour at which they are committed, and the degree of punishment.

† The offence of Horse-stealing seems properly distinguishable from other larcenies, here, where these animals generally run at large, the temptation being so great and frequent, and the facility of commission so remarkable. See 1 E. 6. c. 12. 23 E. 6. c. 33. 31 El. c. 12.

‡ The distinction between grand and petty larceny, is very antient. At first 8d. was the sum which constituted grand larceny. Ll. Aethelst. c. 1. 'Ne parcatur ulli furi, qui furtum manutenens captus sit, supra 12. annos nato, et supra 8. denarios.' Afterwards, in the same king's reign it was raised to 12d. 'non parcatur alicui furi ultra 12 denarios, et ultra 12 annos nato—ut occidemus illum et capiamus omne quod possidet, et inprimis sumamus rei furto ablatae pretium ab haerede, ac dividatur postea reliquum in duas partes, una pars uxori, si munda, et facinoris conscia non sit; et residuum in duo, dimidium capiat rex, dimidium societas.' Ll. Aethelst. Wilkins, p. 65.

forthwith put in the pillory for one half hour, shall be condemned to hard labor* two years in the public works, and shall make reparation to the person injured.

Petty Larceny shall be, where the goods stolen are of less value than five dollars; and whosoever shall be guilty thereof, shall be forthwith put in the pillory for a quarter of an hour, shall be condemned to hard labor one year in the public works, and shall make reparation to the person injured.

Robbery† or larceny of bonds, bills obligatory, bills of exchange, or promissory notes for the payment of money or tobacco, lottery tickets, paper bills issued in the nature of money, or of certificates of loan on the credit of this Commonwealth, or of all or any of the United States of America, or Inspectors' notes for tobacco, shall be punished in the same manner as robbery or larceny of the money or tobacco due on, or represented by such papers.

Buyers‡ and receivers of goods taken by way of robbery or larceny, knowing them to have been so taken, shall be deemed accessaries to such robbery or larceny after the fact.

Prison breakers§ also, shall be deemed accessaries after the fact, to traitors or felons whom they enlarge from prison.‖

* Ll. Inae. c. 7. 'Si quis furetur ita ut uxor ejus et infans ipsius nesciant, solvat 60. solidos poenae loco. Si autem furetur testantibus omnibus haeredibus suis, *abeant omnes in servitutem.*' Ina was king of the West-Saxons, and began to reign A. C. 688. After the union of the Heptarchy, i. e. temp. Aethelst. inter 924 and 940, we find it punishable with death as above. So it was inter 1017 and 1035, i. e. temp. Cnuti. Ll. Cnuti 61. cited in notes on Arson. In the time of William the conqueror, it seems to have been made punishable by fine only. Ll. Gul. conq. apud Wilk. p. 218. 220. This commutation, however, was taken away by Ll. H. 1. anno 1108. 'Si quis in furto vel latrocinio deprehensus fuisset, suspenderetur; sublata wirgildorum, id est, pecuniarae redemptionis lege.' Larceny is the felonious taking and carrying away of the personal goods of another. 1. As to the taking, the 3. 4. W. M. c. 9. § 5, is not additional to the Common law, but declaratory of it; because where only the care or use, and not the possession, of things is delivered, to take them was larceny at the Common law. The 33. H. 6. c. 1. and 21 H. 8. c. 7. indeed, have added to the Common law, by making it larceny in a servant to convert things of his master's. But quære, if they should be imitated more than as to other breaches of trust in general. 2. As to the subject of larceny, 4 G. 2. c. 32. 6 G. 3. c. 36. 48. 43. El. c. 7. 15. Car. 2 c. 2. 23. G. 2. c. 26. 31. G. 2. c. 35. 9. G. 3. c. 41. 25. G. 2. c. 10. have extended larceny to things of various sorts either real, or fixed to the realty. But the enumeration is unsystematical, and in this country, where the produce of the earth is so spontaneous, as to have rendered things of this kind scarcely a breach of civility or good manners, in the eyes of the people, quære, if it would not too much enlarge the field of Criminal law? The same may be questioned of 9 G. 1. c. 22. 13 Car. 2. c. 10. 10 G. 2. c. 32. 5 G. 3. c. 14. 22 & 23 Car. 2. c. 25. 37 E. 3. c. 19. making it felony to steal animals ferae naturae.

† 2 G. 2. c. 25 § 3. 7 G. 3. c. 50.

‡ 3. 4. W. M. c. 9. § 4. 5 Ann. c. 31 § 5. 4 G. 1. c. 11. § 1.

§ 1 E. 2.

‖ Breach of prison at the Common law was capital, without regard to the

All attempts to delude the people, or to abuse their understanding by exercise of the pretended arts of witchcraft, conjuration, enchantment, or sorcery, or by pretended prophecies, shall be punished by ducking and whipping, at the discretion of a jury, not exceeding fifteen stripes.*

If the principal offenders be fled,† or secreted from justice, in any case not touching life or member, the accessaries may, notwithstanding, be prosecuted as if their principal were convicted.‡

crime for which the party was committed. 'Cum pro criminis qualitate in carcerem recepti fuerint, conspiraverint (ut ruptis vinculis aut fracto carcere) evadant, amplius (quam causa pro qua recepti sunt exposeit) puniendi sunt, videlicet ultimo supplicio, quamvis ex eo crimine innocentes inveniantur, propter quod inducti sunt in carcerem et imparcati. Bracton L. 3. c. 9. § 4. Britt. c. 11. Fleta, L. 1. c. 26. § 4. Yet in the Y. B. Hill. 1. H. 7. 2. Hussey says, that by the opinion of Billing and Choke, and all the justices, it was a felony in strangers only, but not in the prisoner himself. 8. C. Fitz. Abr. Coron. 48. They are principal felons, not accessaries. ib. Whether it was felony in the prisoner at Common law, is doubted. Stam. P. C. 30. b. The Mirror c. 5. § 1. says, 'abusion est a tener escape de prisoner, ou de bruserie del gaole pur peche mortell, car cel usage nest garrant per nul ley, ne in nul part est use forsque in cest realme, et en France, eins [mais] est leu garrantie de ceo faire per la ley de nature.' 2 Inst. 589. The stat. 1 E. 2 de frangentibus prisonam, restrained the judgment of life and limb for prison breaking, to cases where the offence of the prisoner required such judgment.

It is not only vain, but wicked, in a legislator to frame laws in opposition to the laws of nature, and to arm them with the terrors of death. This is truly creating crimes in order to punish them. The law of nature impels every one to escape from confinement; it should not, therefore, be subjected to punishment. Let the legislator restrain his criminal by walls, not by parchment. As to strangers breaking prison to enlarge an offender, they should, and may be fairly considered as accessaries after the fact. This bill saying nothing of the prisoner releasing himself by breach of jail, he will have the benefit of the first section of the bill, which repeals the judgment of life and death at the Common law.

* Gif wiccan owwe wigleras nansworan, owwe morthwyrhtan owwe fule afylede æbere horcwenan ahwhar on lande wurthan agytene, thonne fyrsie man of earde, and clænsie tha theode, owwe on earde forfare hi mid ealle, buton hi geswican and the deoper gebetan: if witches, or weirds, manswearers, or murther-wroughters, or foul, defiled, open whore-queens, aywhere in the land were gotten, then force them off earth, and cleanse the nation, or in earth forth-fare them withal, buton they beseech, and deeply better. Ll. Ed. et Guthr. c. 11. 'Sagae, mulieres barbara factitantes sacrificia, aut pestiferi, si cui mortem intulerint, neque id inficiari poterint, capitis poena esto.' Ll. Aethelst. c. 6. apud Lambard. Ll. Aelfr. 30. Ll. Cnuti. c. 4. 'Mesme cel jugement (d'etrears) eyent sorcers, et sorceresses, &c. ut supra. Fleta ut et ubi supra. 3 Inst. 44. Trial of witches before Hale in 1664. The statutes 33 H. 8. c. 8. 5. El. c. 16 and 1. Jac. 1 c. 12. seem to be only in confirmation of the Common law. 9 G. 2. c. 25. punishes them with pillory, and a year's imprisonment. 3 E. 6. c. 15. 5 El. c. 15. punish fond, fantastical and false prophecies, by fine and imprisonment.

† 1 Ann. c. 9. § 2.

‡ As every treason includes within it a misprision of treason, so every felony includes a misprision, or misdemeanor. 1 Hale P. C. 652. 708. 'Licet fuerit felonia, tamen in eo continetur misprisio.' 2 R. 3 10. Both principal and accessary, therefore, may be proceeded against in any case, either for felony, or misprision, at the Common law. Capital cases not being mentioned here, accessaries to them will of course be triable for misprisions, if the offender flies.

If any offender stand mute of obstinacy,* or challenge peremptorily more of the jurors than by law he may, being first warned of the consequence thereof, the court shall proceed as if he had confessed the charge.†

Pardon and Privilege of clergy, shall henceforth be abolished, that none may be induced to injure through hope of impunity. But if the verdict be against the defendant, and the court before whom the offence is heard and determined, shall doubt that it may be untrue for defect of testimony, or other cause, they may direct a new trial to be had.‡

* 3 E. 1. c. 12.

† Whether the judgment of penance lay at Common law. See 2 Inst. 178. 2 H. P. C. 321. 4 Bl. 322. It was given on standing mute: but on challenging more than the legal number, whether that sentence, or sentence of death is to be given, seems doubtful. 2 H. P. C. 316. Quære, whether it would not be better to consider the supernumerary challenge as merely void, and to proceed in the trial? Quære too, in case of silence?

‡ 'Cum Clericus sic de crimine convictus degradetur, non sequitur alia poena pro uno delicto, vel pluribus ante degradationem perpetratis. Satis enim sufficit ei pro poena degradatio, quae est magna capitis diminutio, nisi forte convictus fuerit de apostatia, quia hinc primo degradetur, et postea per manum laicalem comburetur, secundum quod accidit in concilio Oxoni celebrato a bonae memoriae S. Cantuanen. Archiepiscopo de quodam diacono, qui se apostatavit pro quadam Judaea; qui cum esset per episcopum degradatus, statim fuit igni traditus per manum laicalem.' Bract. L. 3. c. 9. § 2. 'Et mesme cel jugement (i. e. qui ils soient ars) eyent sorcers et sorceresses, et sodomites et mescreauntz apertement atteyntz. Britt. c. 9. 'Christiani autem Apostatae, sortilegii, et hujusmodi detractari debent et comburi.' Fleta, L. 1. c. 37. § 2. see 3. Inst. 39. 12. Rep. 92. 1. H. P. C. 393 The extent of the clerical privilege at the Common law, 1. As to the crimes, seems very obscure and uncertain. It extended to no case where the judgment was not of life, or limb. Note in 2. H. P. C. 326. This therefore excluded it in trespass, petty larceny, or killing se defendendo. In high treason against the person of the King, it seems not to have been allowed. Note 1. H. P. C. 185. Treasons, therefore, not against the King's person immediately, petty treasons and felonies, seem to have been the cases where it was allowed; and even of those, not for insidiatio viarum, depopulatio agrorum, or combustio domorum. The statute de Clero, 25. E. 3. st. 3. c. 4. settled the law on this head. 2. As to the persons, it extended to all clerks, always, and toties quoties. 2. H. P. C. 374. To nuns also. Fitz. Abr. Corone. 461. 22. E. 3. The clerical habit and tonsure were considered as evidence of the person being clerical. 26. Assiz. 19. 20. E. 2. Fitz. Corone. 233. By the 9. E. 4. 28. b. 34. H. 6. 49 a. b. simple reading became the evidence. This extended impunity to a great number of laymen, and toties quoties. The stat. 4. H. 7. c. 13. directed that real clerks should, upon a second arraignment, produce their orders, and all others to be burnt in the hand with M. or T. on the first allowance of clergy, and not to be admitted to it a second time. A heretic, Jew, or Turk (as being incapable of orders) could not have clergy. 11. Co. Rep. 29. b. But a Greek, or other alien, reading in a book of his own country, might. Bro. Clergie. 20. So a blind man, if he could speak Latin. Ib. 21. qu. 11. Rep. 29. b. The orders entitling the party, were bishops, priests, deacons and subdeacons, the inferior being reckoned Clerici in minoribus. 2. H. P. C. 373. Quære, however, if this distinction is not founded on the stat. 23. H. 8. c. 1. 25. H. 8. c. 32 By merely dropping all the statutes, it should seem that none but clerks would be entitled to this privilege, and that they would, toties quoties.

No attainder shall work corruption of blood in any case.

In all cases of forfeiture, the widow's dower shall be saved to her, during her title thereto; after which it shall be disposed of as if no such saving had been.

The aid of Counsel,* and examination of their witnesses on oath, shall be allowed to defendants in criminal prosecutions.

Slaves guilty of any offence† punishable in others by labor in the public works, shall be transported to such parts in the West Indies, South America, or Africa, as the Governor shall direct, there to be continued in slavery.

[Note F.]

Notes, on the establishment of a Money Unit, and of a Coinage for the United States.

In fixing the Unit of Money, these circumstances are of principal importance.

I. That it be of *convenient size* to be applied as a measure to the common money transactions of life.

II. That its parts and multiples be in *an easy proportion* to each other, so as to facilitate the money arithmetic.

III. That the Unit and its parts, or divisions, be *so nearly of the value of some of the known coins*, as that they may be of easy adoption for the people.

The Spanish Dollar seems to fulfil all these conditions.

I. Taking into our view all money transactions, great and small, I question if a common measure of more *convenient size* than the Dollar could be proposed. The value of 100, 1000, 10,000 dollars is well estimated by the mind; so is that of the tenth or the hundredth of a dollar. Few transactions are above or below these limits. The expediency of attending to the size of the Money Unit will be evident, to any one who will consider how inconvenient it would be to a manufacturer or merchant, if, instead of the yard for measuring cloth, either the inch or the mile had been made the Unit of Measure.

II. The most *easy ratio* of multiplication and division, is that by ten. Every one knows the facility of Decimal Arithmetic. Every one remembers, that, when learning Money-Arithmetic, he used to be puzzled with adding the farthings, taking out the fours and

* 1. Ann. c. 9.

† Manslaughter, counterfeiting, arson, asportation of vessels, robbery, burglary, housebreaking, horsestealing, larceny.

carrying them on; adding the pence, taking out the twelves and carrying them on; adding the shillings, taking out the twenties and carrying them on; but when he came to the pounds, where he had only tens to carry forward, it was easy and free from error. The bulk of mankind are school-boys through life. These little perplexities are always great to them. And even mathematical heads feel the relief of an easier, substituted for a more difficult process. Foreigners, too, who trade or travel among us, will find a great facility in understanding our coins and accounts from this ratio of subdivision. Those who have had occasion to convert the Livres, sols and deniers of the French; the Gilders, stivers and frenings of the Dutch; the Pounds, shillings, pence and farthings of these several States, into each other, can judge how much they would have been aided, had their several subdivisions been in a decimal ratio. Certainly, in all cases, where we are free to choose between easy and difficult modes of operation, it is most rational to choose the easy. The Financier, therefore, in his report, well proposes that our Coins should be in decimal proportions to one another. If we adopt the Dollar for our Unit, we should strike four coins, one of gold, two of silver, and one of copper, viz.

1. A golden piece, equal in value to ten dollars:
2. The Unit or Dollar itself, of silver:
3. The tenth of a Dollar, of silver also:
4. The hundredth of a Dollar, of copper.

Compare the arithmetical operations, on the same sum of money expressed in this form, and expressed in the pound sterling and its divisions.

	£	s.	d.	qrs.		Dollars.
Addition.	8	13	11	1-2	=	38.65
	4	12	8	3-4	=	20.61
	13	6	8	1-4	=	59.26

	£	s.	d.	qrs.		Dollars.
Subtraction.	8	13	11	1-2	=	38.65
	4	12	8	3-4	=	20.61
	4	1	2	3-4	=	18.04

Multiplication by 8.

£	s.	d.	qrs.		Dollars.
8	13	11	1-2	=	38,65
20					8
173					$309.20
12					
2087					
4					
8350					
8					

4) 66 800
12) 16700
20) 1391 8
£69 11 8

Division by 8.

£	s.	d.	qrs.		Dollars.
8	13	11	1-2	=	8) 38.65
20					4.83
173					
12					
2087					
4					
8) 8350					
4) 1043					
12) 260 3-4					
20) 21 8 3-4					
£1 1 8 3-4					

A bare inspection of the above operations, will evince the labor which is occasioned by subdividing the Unit into 20ths, 240ths and 960ths, as the English do, and as we have done; and the ease of subdivision in a decimal ratio. The same difference arises in making payment. An Englishman, to pay £8 13s. 11d. 1-2 qra. must find, by calculation, what combination of the coins of his country will pay this sum; but an American, having the same sum to pay, thus expressed $38.65, will know, by inspection only, that three golden pieces, eight units or dollars, six tenths and five coppers, pay it precisely.

III. The third condition required is, that the Unit, its multiples, and subdivisions, coincide in value with some of the known coins so nearly, that the people may, by a quick reference in the mind, estimate their value. If this be not attended to, they will be very long in adopting the innovation, if ever they adopt it. Let us examine, in this point of view, each of the four coins proposed.

1. The golden piece will be 1-5 more than a half joe, and 1-15 more than a double guinea. It will be readily estimated, then, by reference to either of them; but more readily and accurately as equal to ten dollars.

2. The Unit or Dollar, is a known coin, and the most familiar of all, to the minds of the people. It is already adopted from South to North; has identified our currency, and therefore happily offers itself as a Unit already introduced. Our public debt, our requisitions, and their apportionments, have given it actual and long possession of the place of Unit. The course of our commerce, too, will bring us more of this than of any other foreign coin, and therefore renders it more worthy of attention. I know of no Unit which can be proposed in competition with the Dollar, but the Pound. But what is the Pound? 1547 grains of fine silver in Georgia; 1289 grains in Virginia, Connecticut, Rhode Island, Massachusetts and New Hampshire; 1031 1-4 grains in Maryland, Delaware, Pennsylvania and New Jersey; 966 3-4 grains in North Carolina and New York. Which of these shall we adopt? To which State give that pre-eminence of which all are so jealous? And on which impose the difficulties of a new estimate of their corn, their cattle, and other commodities? Or shall we hang the pound sterling, as a common badge, about all their necks? This contains 1718 3-4 grains of pure silver. It is difficult to familiarise a new coin to the people; it is more difficult to familiarise them to a new coin with an old name. Happily, the Dollar is familiar to them all, and is already as much referred to for a measure of value, as their respective provincial pounds.

3. The tenth will be precisely the Spanish bit, or half piste-

reen. This is a coin perfectly familiar to us all. When we shall make a new coin, then, equal in value to this, it will be of ready estimate with the people.

4. The hundredth, or copper, will differ little from the copper of the four Eastern States, which is 1-108 of a dollar; still less from the penny of New York and North Carolina, which is 1-96 of a dollar; and somewhat more from the penny or copper of Jersey, Pennsylvania, Delaware and Maryland, which is 1-90 of a dollar. It will be about the medium between the old and the new coppers of these States, and will therefore soon be substituted for them both. In Virginia, coppers have never been in use. It will be as easy, therefore, to introduce them there of one value as of another. The copper coin proposed, will be nearly equal to three fourths of their penny, which is the same with the penny lawful of the Eastern States.

A great deal of small change is useful in a State, and tends to reduce the price of small articles. Perhaps it would not be amiss to coin three more pieces of silver, one of the value of five tenths, or half a dollar, one of the value of two tenths, which would be equal to the Spanish pistereen, and one of the value of five coppers, which would be equal to the Spanish half bit. We should then have five silver coins, viz.

1. The Unit or Dollar:
2. The half dollar or five tenths:
3. The double tenth, equal to .2, or one fifth of a dollar, or to the pistereen:
4. The tenth, equal to a Spanish bit:
5. The five copper piece, equal to .5, or one twentieth of a dollar, or the half-bit.

The plan reported by the Financier is worthy of his sound judgment. It admits, however, of objection, in the size of the Unit. He proposes that this shall be the 1440th part of a dollar: so that it will require 1440 of his units to make the one before proposed. He was led to adopt this by a mathematical attention to our old currencies, all of which this Unit will measure without leaving a fraction. But as our object is to get rid of those currencies, the advantage derived from this coincidence will soon be past, whereas the inconveniences of this Unit will for ever remain, if they do not altogether prevent its introduction. It is defective in two of the three requisites of a Money Unit. 1. It is inconvenient in its application to the ordinary money transactions. 10,000 dollars will require eight figures to express them, to wit, 14,400,000 units. A horse or bullock of eighty dollars value, will require a notation of six figures, to wit, 115,200 units. As a money of account, this

will be laborious, even when facilitated by the aid of decimal arithmetic: as a common measure of the value of property, it will be too minute to be comprehended by the people. The French are subjected to very laborious calculations, the Livre being their ordinary money of account, and this but between 1-5th and 1-6th of a dollar; but what will be our labors, should our money of account be 1-1440th of a dollar only? 2. It is neither equal, nor near to any of the known coins in value.

If we determine that a Dollar shall be our Unit, we must then say with precision what a Dollar is. This coin, as struck at different times, of different weights and fineness, is of different values. Sir Isaac Newton's essay and representation to the Lords of the Treasury, in 1717, of those which he examined, make their values as follows:

	dwts. grs.	
The Seville piece of eight	17—12 containing	387 grains of pure silver.
The Mexico piece of eight	17—10 5-9	385 1-2
The Pillar piece of eight	17—9	385 3-4
The new Seville piece of eight	14—	308 7-10

The Financier states the old Dollar as containing 376 grains of fine silver, and the new 365 grains. If the Dollars circulating among us be of every date equally, we should examine the quantity of pure metal in each, and from them form an average for our Unit. This is a work proper to be committed to mathematicians as well as merchants, and which should be decided on actual and accurate experiment.

The quantum of alloy is also to be decided. Some is necessary, to prevent the coin from wearing too fast; too much, fills our pockets with copper, instead of silver. The silver coin assayed by Sir Isaac Newton, varied from 1 1-2 to 76 pennyweights alloy, in the pound troy of mixed metal. The British standard has 18 dwt.; the Spanish coins assayed by Sir Isaac Newton, have from 18 to 19 1-2 dwt.; the new French crown has in fact 19 1-2, though by edict, it should have 20 dwt., that is 1-12.

The taste of our countrymen will require, that their furniture plate should be as good as the British standard. Taste cannot be controlled by law. Let it then give the law, in a point which is indifferent to a certain degree. Let the Legislatures fix the alloy of furniture plate at 18 dwt., the British standard, and Congress that of their coin at one ounce in the pound, the French standard. This proportion has been found convenient for the alloy of gold coin, and it will simplify the system of our mint to alloy both metals in the same degree. The coin too, being the least pure, will be the less easily melted into plate. These reasons are light, indeed, and, of course, will only weigh, if no heavier ones can be opposed to them.

The proportion between the values of gold and silver, is a mercantile problem altogether. It would be inaccurate to fix it by the popular exchanges of a half Joe for eight dollars, a Louis for four French crowns, or five Louis for twenty-three dollars. The first of these, would be to adopt the Spanish proportion between gold and silver; the second, the French; the third, a mere popular barter, wherein convenience is consulted more than accuracy. The legal proportion in Spain is 16 for 1; in England, 15 1-2 for 1; in France, 15 for 1. The Spaniards and English are found, in experience, to retain an over proportion of gold coins, and to lose their silver. The French have a greater proportion of silver. The difference at market has been on the decrease. The Financier states it at present, as at 14 1-2 for one. Just principles will lead us to disregard legal proportions altogether; to enquire into the market price of gold, in the several countries with which we shall principally be connected in commerce, and to take an average from them. Perhaps we might, with safety, lean to a proportion somewhat above par for gold, considering our neighborhood, and commerce with the sources of the coins, and the tendency which the high price of gold in Spain has, to draw thither all that of their mines, leaving silver principally for our and other markets. It is not impossible that 15 for 1, may be found an eligible proportion. I state it, however, as a conjecture only.

As to the alloy for gold coin, the British is an ounce in the pound; the French, Spanish, and Portuguese differ from that, only from a quarter of a grain, to a grain and a half. I should, therefore, prefer the British, merely because its fraction stands in a more simple form, and facilitates the calculations into which it enters.

Should the Unit be fixed at 365 grains of pure silver, gold at 15 for 1, and the alloy of both be one twelfth, the weights of the coins will be as follows.

	Grains.		Grains.		dwt. Grains.
The Golden piece containing	243 1-3	of pure metal,	22.12	of alloy, will weigh	11—1.45
The Unit or Dollar,	365		33.18		16—14.18
The half dollar, or five tenths,	182 1-2		16.59		8—7.09
The fifth, or Pistereen,	73		6.63		3—7.63
The tenth, or Bit,	36 1-2		3.318		1—15.818
The twentieth, or half Bit,	18 1-4		1.659		19.9

The quantity of fine silver which shall constitute the Unit, being settled, and the proportion of the value of gold, to that of silver; a table should be formed from the assay before suggested, classing the several foreign coins according to their fineness, declaring the worth of a pennyweight or grain in each class, and that they shall be lawful tenders at those rates, if not clipped or otherwise diminished; and, where diminished, offering their value for them at the mint, deducting the expense of re-coinage. Here the Legisla-

tures should co-operate with Congress, in providing that no money be received or paid at their treasuries, or by any of their officers, or any bank, but on actual weight; in making it criminal, in a high degree, to diminish their own coins, and, in some smaller degree, to offer them in payment when diminished.

That this subject may be properly prepared, and in readiness for Congress to take up at their meeting in November, something must now be done. The present session drawing to a close, they probably would not choose to enter far into this undertaking themselves. The Committee of the States, however, during the recess, will have time to digest it thoroughly, if Congress will fix some general principles for their government. Suppose they be instructed,

To appoint proper persons to assay and examine, with the utmost accuracy practicable, the Spanish milled dollars of different dates, in circulation with us.

To assay and examine, in like manner, the fineness of all the other coins which may be found in circulation within these states.

To report to the Committee the result of these assays, by them to be laid before Congress.

To appoint, also, proper persons to enquire what are the proportions between the values of fine gold, and fine silver, at the markets of the several countries with which we are, or probably may be, connected in commerce; and what would be a proper proportion here, having regard to the average of their values at those markets, and to other circumstances, and to report the same to the Committee, by them to be laid before Congress.

To prepare an Ordinance for establishing the Unit of Money within these States; for subdividing it; and for striking coins of gold, silver, and copper, on the following principles.

That the Money Unit of these States, shall be equal in value to a Spanish milled dollar containing so much fine silver as the assay, before directed, shall shew to be contained, on an average, in dollars of the several dates in circulation with us.

That this Unit shall be divided into tenths and hundredths; that there shall be a coin of silver of the value of a Unit; one other of the same metal, of the value of one tenth of a Unit; one other of copper, of the value of the hundredth of a Unit.

That there shall be a coin of gold of the value of ten Units, according to the report before directed, and the judgment of the Committee thereon.

That the alloy of the said coins of gold and silver, shall be equal in weight to one eleventh part of the fine metal.

That there be proper devices for these coins.

That measures be proposed for preventing their diminution, and also their currency, and that of any others, when diminished.

That the several foreign coins be described and classed in the said Ordinance, the fineness of each class stated, and its value by weight estimated in Units and decimal parts of Units.

And that the said draught of an Ordinance be reported to Congress at their next meeting, for their consideration and determination.

Supplementary Explanations.

The preceding notes having been submitted to the consideration of the Financier, he favored me with his opinion and observations on them, which render necessary the following supplementary explanations.

I observed, in the preceding notes, that the true proportion of value between gold and silver was a mercantile problem altogether, and that, perhaps, fifteen for one, might be found an eligible proportion. The Financier is so good as to inform me, that this would be higher than the market would justify. Confident of his better information on this subject, I recede from that idea.*

He also informs me, that the several coins, in circulation among us, have been already assayed with accuracy, and the result published in a work on that subject. The assay of Sir Isaac Newton had superseded, in my mind, the necessity of this operation as to the older coins, which were the subject of his examination. This later work, with equal reason, may be considered as saving the same trouble as to the latter coins.

So far, then, I accede to the opinions of the Financier. On the other hand, he seems to concur with me, in thinking his smallest fractional division too minute for a Unit, and, therefore, proposes to transfer that denomination to his largest silver coin, containing 1000 of the units first proposed, and worth about 4s. 2d. lawful, or 25-36 of a Dollar. The only question then remaining between us is, whether the Dollar, or this coin, be best for the Unit. We both agree that *the ease of adoption with the people*, is the thing to be aimed at.

1. As to the Dollar, events have overtaken and superseded the

* In a newspaper, which frequently gives good details in political economy, I find, under the Hamburgh head, that the present market price of Gold and Silver is, in England, 15.5 for 1: in Russia, 15: in Holland, 14.75: in Savoy, 14.6: in France, 14.42: in Spain, 14.3: in Germany, 14.155: the average of which is 14.675 or 14 5-8. I would still incline to give a little more than the market price for gold, because of its superior convenience in transportation.

question. It is no longer a doubt whether the people can adopt it with ease; they have adopted it, and will have to be turned out of that, into another tract of calculation, if another Unit be assumed. They have now two Units, which they use with equal facility, viz. the Pound of their respective state, and the Dollar. The first of these is peculiar to each state: the second, happily, common to all. In each state, the people have an easy rule for converting the pound of their state into dollars, or dollars into pounds; and this is enough for them, without knowing how this may be done in every state of the union. Such of them as live near enough the borders of their state to have dealings with their neighbors, learn also the rule of their neighbors: thus, in Virginia and the Eastern States, where the dollar is 6s. or 3-10 of a pound, to turn pounds into dollars, they multiply by 10, and divide by 3. To turn dollars into pounds, they multiply by 3, and divide by 10. Those in Virginia who live near to Carolina, where the dollar is 8s. or 4-10 of a pound, learn the operation of that state, which is a multiplication by 4, and division by 10, *et e converso*. Those who live near Maryland, where the dollar is 7s. 6d. or 3-8 of a pound, multiply by 3, and divide by 8, *et e converso*. All these operations are easy, and have been found, by experience, not too much for the arithmetic of the people, when they have occasion to convert their old Unit into dollars, or the reverse.

2. As to the Unit of the Financier; in the States where the dollar is 3-10 of a pound, this Unit will be 5-24. Its conversion into the pound then, will be by a multiplication by 5, and a division by 24. In the states where the dollar is 3-8 of a pound, this Unit will be 25-96 of a pound, and the operation must be to multiply by 25, and divide by 96, *et e converso*. Where the dollar is 4-10 of a pound, this Unit will be 5-18. The simplicity of the fraction, and of course the facility of conversion and reconversion, is therefore against this Unit, and in favor of the dollar, in every instance. The only advantage it has over the dollar, is, that it will in every case express our farthing without a remainder; whereas, though the dollar and its decimals will do this in many cases, it will not in all. But, even in these, by extending your notation one figure farther, to wit, to thousands, you approximate to perfect accuracy within less than the two thousandth part of a dollar; an atom in money which every one would neglect. Against this single inconvenience, the other advantages of the dollar are more than sufficient to preponderate. This Unit will present to the people a new coin, and whether they endeavor to estimate its value by comparing it with a Pound, or with a Dollar, the Units they now possess, they will find the fraction very compound, and

of course less accommodated to their comprehension and habits than the dollar. Indeed the probability is, that they could never be led to compute in it generally.

The Financier supposes that the 1-100 of a dollar is not sufficiently small, where the poor are purchasers or vendors. If it is not, make a smaller coin. But I suspect that it is small enough. Let us examine facts, in countries where we are acquainted with them. In Virginia, where our towns are few, small, and of course their demand for necessaries very limited, we have never yet been able to introduce a copper coin at all. The smallest coin which any body will receive there, is the half-bit, or 1-20 of a dollar. In those states where the towns are larger and more populous, a more habitual barter for small wants, has called for a copper coin of 1-90 or 1-96 or 1-108 of a dollar. In England, where the towns are many and populous, and where ages of experience have matured the conveniences of intercourse, they have found that some wants may be supplied for a farthing, or 1-208 of a dollar, and they have accommodated a coin to this want. This business is evidently progressive. In Virginia, we are far behind. In some other states, they are further advanced, to wit, to the appreciation of 1-90, 1-96, 1-108 of a dollar. To this most advanced state, then, I accommodated my smallest coin in the decimal arrangement, as *a money of payment*, corresponding with the *money of account*. I have no doubt the time will come when a smaller coin will be called for. When that comes, let it be made. It will probably be the half of the copper I propose, that is to say 5-1000 or .005 of a dollar, this being very nearly the farthing of England. But it will be time enough to make it, when the people shall be ready to receive it.

My proposition then, is, that our notation of money shall be decimal, descending *ad libitum* of the person noting; that the Unit of this notation shall be a Dollar; that coins shall be accommodated to it from ten dollars to the hundreth of a dollar; and that, to set this on foot, the resolutions be adopted which were proposed in the notes, only substituting *an enquiry into the fineness of the coins* in lieu of *an assay of them.*

[Note G.]

I have sometimes asked myself, whether my country is the better for my having lived at all? I do not know that it is. I have been the instrument of doing the following things; but they would have been done by others; some of them, perhaps, a little better.

The Rivanna had never been used for navigation; scarcely an empty canoe had ever passed down it. Soon after I came of age, I examined its obstructions, set on foot a subscription for removing them, got an Act of Assembly passed, and the thing effected, so as to be used completely and fully for carrying down all our produce.

The Declaration of Independence.

I proposed the demolition of the Church establishment, and the freedom of religion. It could only be done by degrees; to wit, the Act of 1776, c. 2. exempted dissenters from contributions to the Church, and left the Church clergy to be supported by voluntary contributions of their own sect; was continued from year to year, and made perpetual 1779, c. 36. I prepared the act for religious freedom in 1777, as part of the revisal, which was not reported to the Assembly till 1779, and that particular law not passed till 1785, and then by the efforts of Mr. Madison.

The act putting an end to entails.

The act prohibiting the importation of slaves.

The act concerning citizens, and establishing the natural right of man to expatriate himself, at will.

The act changing the course of descents, and giving the inheritance to all the children, &c. equally, I drew as part of the revisal.

The act for apportioning crimes and punishments, part of the same work, I drew. When proposed to the legislature, by Mr. Madison, in 1785, it failed by a single vote. G. K. Taylor afterwards, in 1796, proposed the same subject; avoiding the adoption of any part of the diction of mine, the text of which had been studiously drawn in the technical terms of the law, so as to give no occasion for new questions by new expresions. When I drew mine, public labor was thought the best punishment to be substituted for death. But, while I was in France, I heard of a society in England, who had successfully introduced solitary confinement, and saw the drawing of a prison at Lyons, in France, formed on the idea of solitary confinement. And, being applied to by the Governor of Virginia for the plan of a Capitol and Prison, I sent him the Lyons plan, accompanying it with a drawing on a smaller scale, better adapted to our use. This was in June, 1786. Mr. Taylor very judiciously adopted this idea, (which had now been acted on in Philadelphia, probably from the English model) and substituted labor in confinement, to the public labor proposed by the Committee of revisal; which themselves would have done, had they been to act on the subject again. The public mind was ripe for this in 1796, when Mr. Taylor proposed it, and ripened chiefly by the experiment in Philadelphia; whereas, in 1785, when it had been proposed to our Assembly, they were not quite ripe for it.

In 1789, and 1790, I had a great number of olive plants, of the best kind, sent from Marseilles to Charleston, for South Carolina and Georgia. They were planted, and are flourishing; and, though not yet multiplied, they will be the germ of that cultivation in those States.

In 1790, I got a cask of heavy upland rice, from the river Denbigh, in Africa, about lat. 9° 30′ North, which I sent to Charleston, in hopes it might supercede the culture of the wet rice, which renders South Carolina and Georgia so pestilential through the summer. It was divided, and a part sent to Georgia. I know not whether it has been attended to in South Carolina; but it has spread in the upper parts of Georgia, so as to have become almost general, and is highly prized. Perhaps it may answer in Tennessee and Kentucky. The greatest service which can be rendered any country is, to add an useful plant to its culture; especially, a bread grain; next in value to bread is oil.

Whether the Act for the more general diffusion of knowledge will ever be carried into complete effect, I know not. It was received, by the legislature, with great enthusiasm at first; and a small effort was made in 1796, by the Act to establish public schools, to carry a part of it into effect, viz. that for the establishment of free English schools; but the option given to the courts has defeated the intention of the Act.*

[Note H.]

New York, October 13, 1789.

Sir,

In the selection of characters to fill the important offices of Government, in the United States, I was naturally led to contemplate the talents and dispositions which I knew you to possess and entertain for the service of your country; and without being able to consult your inclination, or to derive any knowledge of your intention from your letters, either to myself or to any other of your friends, I was determined, as well by motives of private regard, as a conviction of public propriety, to nominate you for the Department of State, which, under its present organization, involves many of the most interesting objects of the Executive authority.

[* It appears, from a blank space at the bottom of this paper, that a continuation had been intended. Indeed, from the loose manner in which the above notes are written, it may be inferred, that they were originally intended as memoranda only, to be used in some more permanent form.]

But grateful as your acceptance of this commision would be to me, I am, at the same time, desirous to accommodate your wishes, and I have, therefore, forborne to nominate your successor at the court of Versailles, until I should be informed of your determination.

Being on the eve of a journey through the Eastern States, with a view to observe the situation of the country, and in a hope of perfectly re-establishing my health, which a series of indispositions has much impaired, I have deemed it proper to make this communication of your appointment, in order, that you might lose no time, should it be your *wish* to visit Virginia during the recess of Congress, which will probably be the most convenient season, both as it may respect your private concerns, and the public service.

Unwilling, as I am, to interfere in the direction of your choice of assistants, I shall only take the liberty of observing to you, that, from warm recommendations which I have received in behalf of Roger Alden, Esq. assistant Secretary to the late Congress, I have placed all the papers thereunto belonging, under his care. Those papers which more properly appertain to the office of Foreign Affairs, are under the superintendence of Mr. Jay, who has been so obliging as to continue his good offices, and they are in the immediate charge of Mr. Remsen.

With sentiments of very great esteem and regard,

I have the honor to be, Sir,

Your most obedient servant,

GEORGE WASHINGTON.

The Honorable Thomas Jefferson.

I take this occasion to acknowledge the receipt of your several favors, of the 4th and 5th of December of the last, and 10th of May of the present year, and to thank you for the communications therein. G. W.

New York, November 30, 1789.

DEAR SIR,

You will perceive by the enclosed letter, (which was left for you at the office of Foreign Affairs, when I made a journey to the Eastern States,) the motives, on which I acted with regard to yourself, and the occasion of my explaining them at that early period.

Having now reason to hope, from Mr. Trumbull's report, that you will be arrived at Norfolk before this time, (on which event I would most cordially congratulate you) and having a safe convey-

ance by Mr. Griffin, I forward your commission to Virginia; with a request to be made acquainted with your sentiments as soon as you shall find it convenient to communicate them to me.

With sentiments of very great esteem and regard,

I am, dear sir,

Your most obedient humble servant,

GEORGE WASHINGTON.

The Honorable Thomas Jefferson.

CORRESPONDENCE.

CORRESPONDENCE.

LETTER I.

TO DR. WILLIAM SMALL.

May 7, 1775.

DEAR SIR,

Within this week we have received the unhappy news of an action of considerable magnitude, between the King's troops and our brethren of Boston, in which it is said, five hundred of the former, with the Earl of Percy, are slain. That such an action has occurred, is undoubted, though perhaps the circumstances may not have reached us with truth. This accident has cut off our last hope of reconciliation, and a phrenzy of revenge, seems to have seized all ranks of people. It is a lamentable circumstance, that the only mediatory power, acknowledged by both parties, instead of leading to a reconciliation his divided people, should pursue the incendiary purpose of still blowing up the flames, as we find him constantly doing, in every speech and public declaration. This may, perhaps, be intended to intimidate into acquisecence, but the effect has been most unfortunately otherwise. A little knowledge of human nature, and attention to its ordinary workings, might have foreseen that the spirits of the people here, were in a state, in which they were more likely to be provoked, than frightened, by haughty deportment. And to fill up the measure of irritation, a proscription of individuals, has been substituted in the room of just trial. Can it be believed, that a grateful people will suffer those to be consigned to execution, whose sole crime has been the developing and asserting their rights? Had the Parliament possessed the power of reflection, they would have avoided a measure as impotent, as it was inflammatory. When I saw Lord Chatham's bill, I entertained high hope that a reconciliation could have been brought about. The difference between his terms, and those offered by our Congress, might have been accommodated, if entered on, by both parties, with a disposition to accommodate. But the dignity of Parliament, it seems, can brook no opposition

to its power. Strange, that a set of men, who have made sale of their virtue to the Minister, should yet talk of retaining dignity! But I am getting into politics, though I sat down only to ask your acceptance of the wine, and express my constant wishes for your happiness.

TH: JEFFERSON.

LETTER II.

TO JOHN RANDOLPH, ESQ.

Monticello, August 25, 1775.

DEAR SIR,

I am sorry the situation of our country should render it not eligible to you, to remain longer in it. I hope the returning wisdom of Great Britain, will, ere long, put an end to this unnatural contest. There may be people to whose tempers and dispositions, contention is pleasing, and who, therefore, wish a continuance of confusion, but to me it is of all states but one, the most horrid. My first wish is a restoration of our just rights; my second, a return of the happy period, when, consistently with duty, I may withdraw myself totally from the public stage, and pass the rest of my days in domestic ease and tranquillity, banishing every desire of ever hearing what passes in the world. Perhaps, (for the latter adds considerably to the warmth of the former wish,) looking with fondness towards a reconciliation with Great Britain, I cannot help hoping you may be able to contribute towards expediting this good work. I think it must be evident to yourself, that the Ministry have been deceived by their officers on this side of the water, who, (for what purpose, I cannot tell) have constantly represented the American opposition as that of a small faction, in which the body of the people took little part. This, you can inform them, of your own knowledge, is untrue. They have taken it into their heads, too, that we are cowards, and shall surrender at discretion to an armed force. The past and future operations of the war must confirm or undeceive them on that head. I wish they were thoroughly and minutely acquainted with every circumstance, relative to America, as it exists in truth. I am persuaded, this would go far towards disposing them to reconciliation. Even those in Parliament who are called friends to America, seem to know nothing of our real determinations. I observe, they pronounced in the last Parliament, that the Congress

of 1774, did not mean to insist rigorously on the terms they held out, but kept something in reserve, to give up: and, in fact, that they would give up every thing but the article of taxation. Now, the truth is far from this, as I can affirm, and put my honor to the assertion. Their continuance in this error may, perhaps, produce very ill consequences. The Congress stated the lowest terms they thought possible to be accepted, in order to convince the world, they were not unreasonable. They gave up the monopoly and regulation of trade, and all acts of Parliament prior to 1764, leaving to British generosity to render these, at some future time, as easy to America as the interest of Britain would admit. But this was before blood was spilt. I cannot affirm, but have reason to think, these terms would not now be accepted. I wish no false sense of honor, no ignorance of our real intentions, no vain hope that partial concessions of right will be accepted, may induce the Ministry to trifle with accommodation, till it shall be out of their power ever to accommodate. If, indeed, Great Britain, disjoined from her colonies, be a match for the most potent nations of Europe, with the colonies thrown into their scale, they may go on securely. But if they are not assured of this, it would be certainly unwise, by trying the event of another campaign, to risque our accepting a foreign aid, which, perhaps, may not be obtainable, but on condition of everlasting avulsion from Great Britan. This would be thought a hard condition, to those who still wish for reunion with their parent country. I am sincerely one of those, and would rather be in dependence on Great Britain, properly limited, than on any nation upon earth, or than on no nation. But I am one of those, too, who, rather than submit to the rights of legislating for us, assumed by the British Parliament, and which late experience has shewn, they will so cruelly exercise, would lend my hand to sink the whole Island in the ocean.

If undeceiving the Minister, as to matters of fact, may change his disposition, it will, perhaps, be in your power, by assisting to do this, to render service to the whole empire, at the most critical time, certainly, that it has ever seen. Whether Britain shall continue the head of the greatest empire on earth, or shall return to her original station in the political scale of Europe, depends, perhaps, on the resolutions of the succeeding winter. God send they may be wise and salutary for us all. I shall be glad to hear from you as often as you may be disposed to think of things here. You may be at liberty, I expect, to communicate some things, consistently with your honor, and the duties you will owe to a protecting nation. Such a communication among individuals, may be mutually beneficial to the contending parties. On this or

any future occasion, if I affirm to you any facts, your knowledge of me will enable you to decide on their credibility; if I hazard opinions on the dispositions of men or other speculative points, you can only know they are my opinions. My best wishes for your felicity, attend you, where ever you go, and believe me to be, assuredly,

Your friend and servant,

TH: JEFFERSON.

LETTER III.

TO JOHN RANDOLPH, ESQ.

Philadelphia, November 29, 1775.

DEAR SIR,

I am to give you the melancholy intelligence of the death of our most worthy Speaker, which happened here on the 22nd of the last month. He was struck with an apoplexy, and expired within five hours.

I have it in my power to acquaint you, that the success of our arms has corresponded with the justice of our cause. Chambly and St. Johns were taken some weeks ago, and in them the whole regular army in Canada, except about forty or fifty men. This day, certain intelligence has reached us, that our General, Montgomery, is received into Montreal: and we expect, every hour, to be informed that Quebec has opened its arms to Colonel Arnold, who, with eleven hundred men, was sent from Boston up the Kennebec, and down the Chaudiére river to that place. He expected to be there early this month. Montreal acceded to us on the 13th, and Carlton set out, with the shattered remains of his little army, for Quebec, where we hope he will be taken up by Arnold. In a short time, we have reason to hope, the delegates of Canada will join us in Congress, and complete the American union, as far as we wish to have it completed. We hear that one of the British transports has arrived at Boston; the rest are beating off the coast, in very bad weather. You will have heard, before this reaches you, that Lord Dunmore has commenced hostilities in Virginia. That people bore with every thing, till he attempted to burn the town of Hampton. They opposed and repelled him, with considerable loss on his side, and none on ours. It has raised our countrymen into a perfect phrenzy. It is an immense misfortune, to the whole empire, to have a King of such a

disposition at such a time. We are told, and every thing proves it true, that he is the bitterest enemy we have. His Minister is able, and that satisfies me that ignorance or wickedness, somewhere, controls him. In an earlier part of this contest, our petitions told him, that from our King there was but one appeal. The admonition was despised, and that appeal forced on us. To undo his empire, he has but one truth more to learn; that, after colonies have drawn the sword, there is but one step more they can take. That step is now pressed upon us, by the measures adopted, as if they were afraid we would not take it. Believe me, dear Sir, there is not in the British empire, a man who more cordially loves a union with Great Britain, than I do. But by the God that made me, I will cease to exist before I yield to a connection on such terms as the British Parliament propose; and in this, I think I speak the sentiments of America. We want neither inducement nor power, to declare and assert a separation. It is will, alone, which is wanting, and that is growing apace under the fostering hand of our King. One bloody campaign will probably decide, everlastingly, our future course; I am sorry to find a bloody campaign is decided on. If our winds and waters should not combine to rescue their shores from slavery, and General Howe's reinforcement should arrive in safety, we have hopes he will be inspirited to come out of Boston and take another drubbing: and we must drub him soundly, before the sceptred tyrant will know we are not mere brutes, to crouch under his hand, and kiss the rod with which he deigns to scourge us.

Yours, &c.

TH: JEFFERSON.

LETTER IV.

TO DR. BENJAMIN FRANKLIN, PARIS.

Virginia, August 13, 1777.

HONORABLE SIR,

I forbear to write you news, as the time of Mr. Shore's departure being uncertain, it might be old before you receive it, and he can, in person, possess you of all we have. With respect to the State of Virginia in particular, the people seem to have laid aside the monarchical, and taken up the republican government, with as much ease, as would have attended their throwing off an old, and putting on a new suit of clothes. Not a single throe has attended this important transformation. A half dozen aristocratical gentle-

men, agonizing under the loss of pre-eminence, have, sometimes, ventured their sarcasms on our political metamorphosis. They have been thought fitter objects of pity, than of punishment. We are, at present, in the complete and quiet exercise of well organised government, save only, that our courts of justice do not open till the fall. I think nothing can bring the security of our continent and its cause, into danger, if we can support the credit of our paper. To do that, I apprehend, one of two steps, must be taken. Either to procure free trade by alliance with some naval power able to protect it; or, if we find there is no prospect of that, to shut our ports totally, to all the world, and turn our colonies into manufactories. The former would be most eligible, because most conformable to the habits and wishes of our people. Were the British Court to return to their senses in time to seize the little advantage which still remains within their reach, from this quarter, I judge, that, on acknowledging our absolute independence and sovereignty, a commercial treaty beneficial to them, and perhaps even a league of mutual offence and defence, might, not seeing the expense or consequences of such a measure, be approved by our people, if nothing, in the mean time, done on your part, should prevent it. But they will continue to grasp at their desperate sovereignty, till every benefit short of that, is forever out of their reach. I wish my domestic situation had rendered it possible for me to join you in the very honorable charge confided to you. Residence in a polite Court, society of literati of the first order, a just cause and an approving God, will add length to a life for which all men pray, and none more than

Your most obedient,
and humble servant,
TH: JEFFERSON.

LETTER V.

TO HIS EXCELLENCY PATRICK HENRY.

Albemarle, March 27, 1779.

SIR,

A report prevailing here, that in consequence of some powers from Congress, the Governor and Council have it in contemplation to remove the Convention troops,* either wholly or in part, from their present situation, I take the liberty of troubling you with

[* The troops under Burgoyne, captured at Saratoga.]

some observations on that subject. The reputation and interest of our country, in general, may be affected by such a measure: it would, therefore, hardly be deemed an indecent liberty, in the most private citizen, to offer his thoughts to the consideration of the Executive. The locality of my situation, particularly in the neighborhood of the present barracks, and the public relation in which I stand to the people among whom they are situated, together with a confidence, which a personal knowledge of the members of the Executive gives me, that they will be glad of information from any quarter, on a subject interesting to the public, induce me to hope that they will acquit me of impropriety in the present representation.

By an article in the Convention of Saratoga, it is stipulated, on the part of the United States, that the officers shall not be separated from their men. I suppose the term officers, includes *general* as well as *regimental* officers. As there are general officers who command all the troops, no part of them can be separated from these officers without a violation of the article: they cannot, of course, be separated from one another, unless the same general officer could be in different places at the same time. It is true, the article adds the words, 'as far as circumstances will admit.' This was a necessary qualification; because, in no place in America, I suppose, could there have been found quarters for both officers and men together; those for the officers to be according to their rank. So far, then, as the circumstances of the place where they should be quartered, should render a separation necessary, in order to procure quarters for the officers, according to their rank, the article admits that separation. And these are the circumstances which must have been under the contemplation of the parties; both of whom, and all the world beside (who are ultimate judges in the case), would still understand that they were to be as near in the environs of the camp, as convenient quarters could be procured; and not that the qualification of the article destroyed the article itself, and laid it wholly at our discretion. Congress, indeed, have admitted of this separation; but are they so far lords of right and wrong as that our consciences may be quiet with their dispensation? Or is the case amended by saying they leave it optional in the Governor and Council to separate the troops or not? At the same time that it exculpates not them, it is drawing the Governor and Council into a participation in the breach of faith. If indeed it is only proposed, that a separation of the troops shall be referred to the consent of their officers; that is a very different matter. Having carefully avoided conversation with them on public subjects, I cannot say, of my own knowledge, how they

would relish such a proposition. I have heard from others, that they will choose to undergo any thing together, rather than to be separated, and that they will remonstrate against it in the strongest terms. The Executive, therefore, if voluntary agents in this measure, must be drawn into a paper war with them, the more disagreeable, as it seems that faith and reason will be on the other side. As an American, I cannot help feeling a thorough mortification, that our Congress should have permitted an infraction of our public honor; as a citizen of Virginia, I cannot help hoping and confiding, that our supreme Executive, whose acts will be considered as the acts of the Commonwealth, estimate that honor too highly to make its infraction their own act. I may be permitted to hope, then, that if any removal takes place, it will be a general one: and, as it is said to be left to the Governor and Council to determine on this, I am satisfied, that, suppressing every other consideration, and weighing the matter dispassionately, they will determine upon this sole question, Is it for the benefit of those for whom they act, that the Convention troops should be removed from among them? Under the head of interest, these circumstances, viz. the expense of building barracks, said to have been £25,000, and of removing the troops backwards and forwards, amounting to, I know not how much, are not to be pretermitted, merely because they are Continental expenses; for we are a part of the Continent; we must pay a shilling of every dollar wasted. But the sums of money, which, by these troops, or on their account, are brought into, and expended in this State, are a great and local advantage. This can require no proof. If, at the conclusion of the war, for instance, our share of the Continental debt should be twenty millions of dollars, or say that we are called on to furnish an annual quota of two millions four hundred thousand dollars, to Congress, to be raised by tax, it is obvious that we should raise these given sums with greater or less ease, in proportion to the greater or less quantity of money found in circulation among us. I expect that our circulating money is, by the presence of these troops, at the rate of $30,000 a week, at the least. I have heard, indeed, that an objection arises to their being kept within this State, from the information of the commissary that they cannot be subsisted here. In attending to the information of that officer, it should be borne in mind that the county of King William and its vicinities are one thing, the territory of Virginia another. If the troops could be fed upon long letters, I believe the gentleman at the head of that department in this country, would be the best commissary upon earth. But till I see him determined to act, not to write; to sacrifice his domestic

ease to the duties of his appointment, and apply to the resources of this country wheresoever they are to be had, I must entertain a different opinion of him. I am mistaken, if, for the animal subsistence of the troops hitherto, we are not principally indebted to the genius and exertions of Hawkins, during the very short time he lived after his appointment to that department, by your board. His eye immediately pervaded the whole State, it was reduced at once to a regular machine, to a system, and the whole put into movement and animation by the fiat of a comprehensive mind. If the Commonwealth of Virginia cannot furnish these troops with bread, I would ask of the commissariat, which of the thirteen is now become the grain colony? If we are in danger of famine from the addition of four thousand mouths, what is become of that surplus of bread, the exportation of which used to feed the West Indies and Eastern States, and fill the colony with hard money? When I urge the sufficiency of this State, however, to subsist these troops, I beg to be understood, as having in contemplation the quantity of provisions necessary for their real use, and not as calculating what is to be lost by the wanton waste, mismanagement, and carelessness of those employed about it. If magazines of beef and pork are suffered to rot by slovenly butchering, or for want of timely provision and sale; if quantities of flour are exposed by the commissaries entrusted with the keeping it, to pillage and destruction; and if, when laid up in the Continental stores, it is still to be embezzled and sold, the land of Egypt itself would be insufficient for their supply, and their removal would be necessary, not to a more plentiful country, but to more able and honest commissaries. Perhaps, the magnitude of this question, and its relation to the whole State, may render it worth while to await the opinion of the National Council, which is now to meet within a few weeks. There is no danger of distress in the mean time, as the commissaries affirm they have a great sufficiency of provisions for some time to come. Should the measure of removing them into another State be adopted, and carried into execution, before the meeting of Assembly, no disapprobation of theirs will bring them back, because they will then be in the power of others, who will hardly give them up.

Want of information as to what may be the precise measure proposed by the Governor and Council, obliges me to shift my ground, and take up the subject in every possible form. Perhaps, they have not thought to remove the troops out of this State altogether, but to some other part of it. Here, the objections arising from the expenses of removal, and of building new barracks, recur. As to animal food, it may be driven to one part of the country as

easily as to another: that circumstance, therefore, may be thrown out of the question. As to bread, I suppose they will require about forty or forty-five thousand bushels of grain a year. The place to which it is to be brought to them, is about the centre of the State. Besides, that the country round about is fertile, all the grain made in the counties adjacent to any kind of navigation, may be brought by water to within twelve miles of the spot. For these twelve miles, wagons must be employed; I suppose half a dozen will be a plenty. Perhaps, this part of the expense might have been saved, had the barracks been built on the water; but it is not sufficient to justify their being abandoned now they are built. Wagonage, indeed, seems to the commissariat, an article not worth economising. The most wanton and studied circuity of transportation has been practised: to mention only one act, they have bought quantities of flour for these troops in Cumberland, have ordered it to be wagoned down to Manchester, and wagoned thence up to the barracks. This fact happened to fall within my own knowledge. I doubt not there are many more such, in order either to produce their total removal, or to run up the expenses of the present situation, and satisfy Congress that the nearer they are brought to the commissary's own bed, the cheaper they will be subsisted. The grain made in the western counties may be brought partly in wagons, as conveniently to this as to any other place; perhaps more so, on account of its vicinity to one of the best passes through the Blue Ridge; and partly by water, as it is near to James river, to the navigation of which, ten counties are adjacent above the falls. When I said that the grain might be brought hither from all the counties of the State, adjacent to navigation, I did not mean to say it would be proper to bring it from all. On the contrary, I think the commissary should be instructed, after the next harvest, not to send one bushel of grain to the barracks from below the falls of the rivers, or from the northern counties. The counties on tide water are accessible to the calls for our own army. Their supplies ought, therefore, to be husbanded for them. The counties in the northwestern parts of the State are not only within reach for our own grand army, but peculiarly necessary for the support of Macintosh's army; or for the support of any other northwestern expedition, which the uncertain conduct of the Indians should render necessary; insomuch, that if the supplies of that quarter should be misapplied to any other purpose, it would destroy, in embryo, every exertion, either for particular or general safety there. The counties above tide water, in the middle and southern and western parts of the country, are not accessible to calls for either of those purposes, but at such an

expense of transportation as the article would not bear. Here, then, is a great field, whose supplies of bread cannot be carried to our army, or, rather, which will raise no supplies of bread, because there is no body to eat them. Was it not, then, wise in Congress to remove to that field four thousand idle mouths, who must otherwise have interfered with the pasture of our own troops? And, if they are removed to any other part of the country, will it not defeat this wise purpose? The mills on the waters of James river, above the falls, open to canoe navigation, are very many. Some of them are of great note, as manufacturers. The barracks are surrounded by mills. There are five or six round about Charlottesville. Any two or three of the whole might, in the course of the winter, manufacture flour sufficient for the year. To say the worst, then, of this situation, it is but twelve miles wrong. The safe custody of these troops is another circumstance worthy consideration. Equally removed from the access of an eastern or western enemy; central to the whole State, so that, should they attempt an irruption in any direction, they must pass through a great extent of hostile country; in a neighborhood thickly inhabited by a robust and hardy people, zealous in the American cause, acquainted with the use of arms, and the defiles and passes by which they must issue: it would seem, that in this point of view, no place could have been better chosen.

Their health is also of importance. I would not endeavor to shew that their lives are valuable to us, because it would suppose a possibility, that humanity was kicked out of doors in America, and interest only attended to. The barracks occupy the top and brow of a very high hill, (you have been untruly told they were in a bottom.) They are free from fog, have four springs which seem to be plentiful, one within twenty yards of the piquet, two within fifty yards, and another within two hundred and fifty, and they propose to sink wells within the piquet. Of four thousand people, it should be expected, according to the ordinary calculations, that one should die every day. Yet, in the space of near three months, there have been but four deaths among them; two infants under three weeks old, and two others by apoplexy. The officers tell me, the troops were never before so healthy since they were embodied.

But is an enemy so execrable, that, though in captivity, his wishes and comforts are to be disregarded and even crossed? I think not. It is for the benefit of mankind to mitigate the horrors of war as much as possible. The practice, therefore, of modern nations, of treating captive enemies with politeness and generosity, is not only delightful in contemplation, but really interesting to all

the world, friends, foes and neutrals. Let us apply this: the officers, after considerable hardships, have all procured quarters, comfortable and satisfactory to them. In order to do this, they were obliged, in many instances, to hire houses for a year certain, and at such exorbitant rents, as were sufficient to tempt independent owners to go out of them, and shift as they could. These houses, in most cases, were much out of repair. They have repaired them at a considerable expense. One of the general officers has taken a place for two years, advanced the rent for the whole time, and been obliged, moreover, to erect additional buildings for the accommodation of part of his family, for which there was not room in the house rented. Independent of the brick work, for the carpentry of these additional buildings, I know he is to pay fifteen hundred dollars. The same gentleman, to my knowledge, has paid to one person, three thousand six hundred and seventy dollars, for different articles to fix himself commodiously. They have generally laid in their stocks of grain and other provisions, for it is well known that officers do not live on their rations. They have purchased cows, sheep, &c. set in to farming, prepared their gardens, and have a prospect of comfort and quiet before them. To turn to the soldiers: the environs of the barracks are delightful, the ground cleared, laid off in hundreds of gardens, each enclosed in its separate paling; these well prepared, and exhibiting a fine appearance. General Riedezel, alone, laid out upwards of two hundred pounds in garden seeds, for the German troops only. Judge what an extent of ground these seeds would cover. There is little doubt that their own gardens will furnish them a great abundance of vegetables through the year. Their poultry, pigeons and other preparations of that kind, present to the mind the idea of a company of farmers, rather than a camp of soldiers. In addition to the barracks built for them by the public, and now very comfortable, they have built great numbers for themselves, in such messes as fancied each other: and the whole corps, both officers and men, seem now happy and satisfied with their situation. Having thus found the art of rendering captivity itself comfortable, and carried it into execution, at their own great expense and labor, their spirits sustained by the prospect of gratifications rising before their eyes, does not every sentiment of humanity revolt against the proposition of stripping them of all this, and removing them into new situations, where, from the advanced season of the year, no preparations can be made for carrying themselves comfortably through the heats of summer; and when it is known that the necessary advances for the conveniences already provided, have exhausted their funds and left them unable to make the like

exertions anew. Again; review this matter, as it may regard appearances. A body of troops, after staying a twelvemonth at Boston, are ordered to take a march of seven hundred miles to Virginia, where, it is said, they may be plentifully subsisted. As soon as they are there, they are ordered on some other march, because, in Virginia, it is said, they can not be subsisted. Indifferent nations will charge this either to ignorance, or to whim and caprice; the parties interested, to cruelty. They now view the proposition in that light, and it is said, there is a general and firm persuasion among them, that they were marched from Boston with no other purpose than to harass and destroy them with eternal marches. Perseverance in object, though not by the most direct way, is often more laudable than perpetual changes, as often as the object shifts light. A character of steadiness in our councils, is worth more than the subsistence of four thousand people.

There could not have been a more unlucky concurrence of circumstances than when these troops first came. The barracks were unfinished for want of laborers, the spell of weather the worst ever known within the memory of man, no stores of bread laid in, the roads, by the weather and number of wagons, soon rendered impassable: not only the troops themselves were greatly disappointed, but the people in the neighborhood were alarmed at the consequences which a total failure of provisions might produce. In this worst state of things, their situation was seen by many and disseminated through the country, so as to occasion a general dissatisfaction, which even seized the minds of reasonable men, who, if not infected with the contagion, must have foreseen that the prospect must brighten, and that great advantages to the people must necessarily arise. It has, accordingly, so happened. The planters, being more generally sellers than buyers, have felt the benefit of their presence in the most vital part about them, their purses, and are now sensible of its source. I have too good an opinion of their love of order, to believe that a removal of these troops would produce any irregular proofs of their disapprobation, but I am well assured it would be extremely odious to them.

To conclude. The separation of these troops would be a breach of public faith, therefore, I suppose it impossible; if they are removed to another State, it is the fault of the commissaries; if they are removed to any other part of the State, it is the fault of the commissaries; and in both cases, the public interest and public security suffer, the comfortable and plentiful subsistence of our own army is lessened, the health of the troops neglected, their wishes crossed, and their comforts torn from them, the character

of whim and caprice, or, what is worse, of cruelty, fixed on us as a nation, and, to crown the whole, our own people disgusted with such a proceeding.

I have thus taken the liberty of representing to you the facts and the reasons, which seem to militate against the separation or removal of these troops. I am sensible, however, that the same subject may appear to different persons, in very different lights. What I have urged as reasons, may, to sounder minds, be apparent fallacies. I hope they will appear, at least, so plausible, as to excuse the interposition of

your Excellency's

most obedient

and most humble servant,

TH: JEFFERSON.

LETTER VI.

TO JOHN PAGE.

Williamsburg, January 22, 1779.

DEAR PAGE,

I received your letter by Mr. Jamieson. It had given me much pain, that the zeal of our respective friends, should ever have placed you and me in the situation of competitors. I was comforted, however, with the reflection, that it was their competition, not ours, and that the difference of the numbers which decided between us, was too insignificant to give you a pain, or me a pleasure, had our dispositions towards each other, been such as to admit those sensations. I know you too well to need an apology for any thing you do, and hope you will forever be assured of this; and as to the constructions of the world, they would only have added one to the many sins for which they are to go to the devil. As this is the first, I hope it will be the last, instance of ceremony between us. A desire to see my family, which is in Charles City, carries me thither to-morrow, and I shall not return till Monday. Be pleased to present my compliments to Mrs. Page, and add this to the assurances I have ever given you, that I am, dear Page,

your affectionate friend,

TH: JEFFERSON.

LETTER VII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, June 23, 1779.

SIR,

I have the pleasure to enclose you the particulars of Colonel Clarke's success against St. Vincennes, as stated in his letter but lately received; the messenger, with his first letter, having been killed. I fear it will be impossible for Colonel Clarke to be so strengthened, as to enable him to do what he desires. Indeed, the express who brought this letter, gives us reason to fear, St. Vincennes is in danger from a large body of Indians, collected to attack it, and said, when he came from Kaskaskias, to be within thirty leagues of the place. I also enclose you a letter from Colonel Shelby, stating the effect of his success against the seceding Cherokees, and Chuccamogga. The damage done them, was killing half a dozen, burning eleven towns, twenty thousand bushels of corn, collected probably to forward the expeditions which were to have been planned at the council which was to meet Governor Hamilton at the mouth of Tennessee, and taking as many goods as sold for twenty-five thousand pounds. I hope these two blows coming together, and the depriving them of their head, will, in some measure, effect the quiet of our frontiers this summer. We have intelligence, also, that Colonel Bowman, from Kentucky, is in the midst of the Shawnee country, with three hundred men, and hope to hear a good account of him. The enclosed order, being in its nature important, and generally interesting, I think it proper to transmit it to you, with the reasons supporting it.* It will add much to our satisfaction, to know it meets your approbation.

I have the honor to be, with every sentiment of private respect and public gratitude,

Sir, your most obedient, and
most humble servant,
TH: JEFFERSON.

P. S. The distance of our northern and western counties, from the scene of southern service, and the necessity of strengthening our western quarter, have induced the Council to direct the new levies from the counties of Yohogania, Ohio, Monongalia, Frederick, Hampshire, Berkeley, Rockingham, and Greenbrier, amounting

[* For the letter of Colonel Clarke, and the order referred to, see Appendix, note A.]

to somewhat less than three hundred men, to enter into the ninth regiment at Pittsburg. The aid they may give there, will be so immediate and important, and what they could do to the southward, would be so late, as, I hope, will apologise for their interference.

T. J.

LETTER VIII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, July 17, 1779.

SIR,

I some time ago, enclosed to you a printed copy of an order of Council, by which Governor Hamilton was to be confined in irons, in close jail, which has occasioned a letter from General Phillips, of which the enclosed is a copy. The General seems to think that a prisoner on capitulation, cannot be put in close confinement, though his capitulation should not have provided against it. My idea was, that all persons taken in war, were to be deemed prisoners of war. That those who surrender on capitulation (or convention) are prisoners of war also, subject to the same treatment with those who surrender at discretion, except only so far as the terms of their capitulation or convention shall have guarded them. In the capitulation of Governor Hamilton (a copy of which I enclose,) no stipulation is made as to the treatment of himself, or those taken with him. The Governor, indeed, when he signs, adds a flourish of reasons inducing him to capitulate, one of which is the generosity of his enemy. Generosity, on a large and comprehensive scale, seems to dictate the making a signal example of this gentleman; but waving that, these are only the private motives inducing him to surrender, and do not enter into the contract of Colonel Clarke. I have the highest idea of those contracts which take place between nation and nation, at war, and would be the last on earth to do any thing in violation of them. I can find nothing in those books usually recurred to as testimonials of the laws and usages of nature and nations, which convicts the opinions I have above expressed of error. Yet there may be such an usage as General Phillips seems to suppose, though not taken notice of by these writers. I am obliged to trouble your Excellency on this occasion, by asking of you information on this point. There is no other person, whose decision will so authoritatively decide this doubt in the public mind, and none with which I am disposed

so implicitly to comply. If you shall be of opinion, that the bare existence of a capitulation, in the case of Governor Hamilton, privileges him from confinement, though there be no article to that effect in the capitulation, justice shall most assuredly be done him. The importance of this point, in a public view, and my own anxiety under a charge of violation of national faith by the Executive of this Commonwealth, will, I hope, apologise for my adding this to the many troubles with which I know you to be burdened. I have the honor to be, with the most profound respect,

your Excellency's most obedient,
and most humble servant,
TH: JEFFERSON.

P. S. I have just received a letter from Colonel Bland, containing information of numerous desertions from the Convention troops, not less than four hundred in the last fortnight. He thinks he has reason to believe, it is with the connivance of some of their officers. Some of these have been retaken, all of them going northwardly. They had provided themselves with forged passports, and with certificates of having taken the oath of fidelity to the State; some of them forged, others really given by weak magistrates. I give this information to your Excellency, as, perhaps, it may be in your power to have such of them intercepted as shall be passing through Pennsylvania and Jersey.

Your letter enclosing the opinion of the board of war in the case of Allison and Lee, has come safe to hand, after a long passage. It shall be answered by next post. T. J.

LETTER IX.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, October 1, 1779.

SIR,

On receipt of your letter of August 6th, during my absence, the Council had the irons taken off the prisoners of war. When your advice was asked, we meant it should decide with us; and upon my return to Williamsburg, the matter was taken up and the enclosed advice given.* A parole was formed, of which the enclosed is a copy, and tendered to the prisoners. They objected to that part of it, which restrained them from *saying* any thing to

[* See Appendix, note B.]

the prejudice of the United States, and insisted on 'freedom of speech.' They were, in consequence, remanded to their confinement in the jail, which must be considered as a voluntary one, until they can determine with themselves to be inoffensive in word as well as deed. A flag sails hence to-morrow to New York, to negotiate the exchange of some prisoners. By her, I have written to General Phillips on this subject, and enclosed to him copies of the within; intending it as an answer to a letter I received from him on the subject of Governor Hamilton. I have the honor to be, Sir,

your most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER X.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, Oct. 2, 1779.

SIR,

Just as the letter accompanying this was going off, Colonel Mathews arrived on parole from New York, by the way of head quarters, bringing your Excellency's letter, on his subject, with that of the British commissary of prisoners. The subject is of great importance, and I must, therefore, reserve myself to answer after further consideration. Were I to speak from present impressions, I should say it was happy for Governor Hamilton, that a final determination of his fate was formed before this new information. As the enemy have released Captain Willing from his irons, the Executive of this State will be induced, perhaps, not to alter their former opinion. But it is impossible they can be serious in attempting to bully us in this manner. We have too many of their subjects in our power, and, too much iron to clothe them with, and I will add, too much resolution, to avail ourselves of both, to fear their pretended retaliation. However, I will do myself the honor of forwarding to your Excellency, the ultimate result of Council on this subject.

In consequence of the information in the letter from the British commissary of prisoners, that no officers of the Virginia line, should be exchanged till Governor Hamilton's affair should be settled, we have stopped our flag, which was just hoisting anchor with a load of privates for New York. I must, therefore, ask the

favor of your Excellency to forward the enclosed by flag, when an opportunity offers, as I suppose General Phillips will be in New York before it reaches you. I have the honor to be, Sir,

with the greatest esteem,

your most obedient, and

most humble servant,

TH: JEFFERSON.

LETTER XI.

TO HIS EXCELLENCY GENERAL WASHINGTON.

In Council, Oct. 8, 1779.

SIR,

In mine of the second of the present month, written in the instant of Colonel Mathews' delivery of your letter, I informed you what had been done on the subject of Governor Hamilton and his companions, previous to that moment. I now enclose you an advice of Council,* in consequence of the letter you were pleased to enclose me, from the British commissary of prisoners, with one from Lord Rawdon; also a copy of my letter to Colonel Mathews, enclosing, also, the papers therein named. The advice of Council to allow the enlargement of prisoners, on their giving a proper parole, has not been recalled, nor will be, I suppose, unless something on the part of the enemy should render it necessary. I rather expect, however, that they will see it their interest to discontinue this kind of conduct. I am afraid I shall hereafter, perhaps, be obliged to give your Excellency some trouble in aiding me to obtain information of the future usage of our prisoners. I shall give immediate orders for having in readiness, every engine which the enemy have contrived for the destruction of our unhappy citizens, captivated by them. The presentiment of these operations, is shocking beyond expression. I pray heaven to avert them: but nothing in this world will do it, but a proper conduct in the enemy. In every event, I shall resign myself to the hard necessity under which I shall act.

I have the honor to be, with great regard and esteem,

your Excellency's

most obedient, and

most humble servant,

TH: JEFFERSON.

[* See Appendix, note C.]

LETTER XII.

TO COLONEL MATHEWS.

In Council, October, 1779.

SIR,

The proceedings respecting Governor Hamilton and his companions, previous to your arrival here, you are acquainted with. For your more precise information, I enclose you the advice of Council, of June the 16th, of that of August the 28th, another of September the 19th, on the parole tendered them the 1st instant, and Governor Hamilton's letter of the same day, stating his objections, in which he persevered: from that time his confinement has become a voluntary one. You delivered us your letters the next day, when the post being just setting out, much business prevented the Council from taking them into consideration. They have this day attended to them, and found their resolution expressed in the enclosed advice bearing date this day. It gives us great pain that any of our countrymen should be cut off from the society of their friends and tenderest connections, while it seems as if it was in our power to administer relief. But we trust to their good sense for discerning, and their spirit for bearing up against the fallacy of this appearance. Governor Hamilton and his companions were imprisoned and ironed, 1st. In retaliation for cruel treatment of our captive citizens by the enemy in general. 2nd. For the barbarous species of warfare which himself and his savage allies carried on in our western frontier. 3rd. For particular acts of barbarity, of which he himself was personally guilty, to some of our citizens in his power. Any one of these charges was sufficient to justify the measures we took. Of the truth of the first, yourselves are witnesses. Your situation, indeed, seems to have been better since you were sent to New York; but reflect on what you suffered before that, and knew others of your countrymen to suffer, and what you know is now suffered by that more unhappy part of them, who are still confined on board the prison ships of the enemy. Proofs of the second charge, we have under Hamilton's own hand: and of the third, as sacred assurances as human testimony is capable of giving. Humane conduct on our part, was found to produce no effect; the contrary, therefore, was to be tried. If it produces a proper lenity to our citizens in captivity, it will have the effect we meant; if it does not, we shall return a severity as terrible as universal. If the causes of our rigor against Hamilton, were founded in truth, that rigor was just, and would not give right to the enemy to commence any new

hostilities on their part: and all such new severities are to be considered, not as retaliation, but as original and unprovoked. If those causes were not founded in truth, they should have denied them. If, declining the tribunal of truth and reason, they choose to pervert this into a contest of cruelty and destruction, we will contend with them in that line, and measure out misery to those in our power, in that multiplied proportion which the advantage of superior numbers enables us to do. We shall think it our particular duty, after the information we gather from the papers which have been laid before us, to pay very constant attention to your situation and that of your fellow prisoners. We hope that the prudence of the enemy will be your protection from injury; and we are assured that your regard for the honor of your country, would not permit you to wish we should suffer ourselves to be bullied into an acquiescence, under every insult and cruelty they may choose to practice, and a fear to retaliate, lest you should be made to experience additional sufferings. Their officers and soldiers in our hands, are pledges for your safety: we are determined to use them as such. Iron will be retaliated by iron, but a great multiplication on distinguished objects; prison ships by prison ships, and like for like in general. I do not mean by this to cover any officer who has acted, or shall act improperly. They say Captain Willing was guilty of great cruelties at the Natches; if so, they do right in punishing him. I would use any powers I have, for the punishment of any officer of our own, who should be guilty of excesses unjustifiable under the usages of civilized nations. However, I do not find myself obliged to believe the charge against Captain Willing to be true, on the affirmation of the British commissary, because, in the next breath, he affirms no cruelties have as yet been inflicted on him. Captain Willing has been in irons.

I beg you to be assured, there is nothing, consistent with the honor of your country, which we shall not, at all times, be ready to do for the relief of yourself and companions in captivity. We know, that ardent spirit and hatred for tyranny which brought you into your present situation, will enable you to bear up against it with the firmness which has distinguished you as a soldier, and to look forward with pleasure to the day, when events shall take place, against which, the wounded spirits of your enemies will find no comfort, even from reflections on the most refined of the cruelties with which they have glutted themselves.

I am, with great respect,

your most obedient, and

most humble servant,

TH: JEFFERSON.

LETTER XIII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, November 28, 1779.

SIR,

Your Excellency's letter on the discriminations which have been heretofore made, between the troops raised within this State, and considered as part of our quota, and those not so considered, was delivered me four days ago. I immediately laid it before the Assembly, who thereupon came to the resolution I now do myself the honor of enclosing you. The resolution of Congress, of March 15th, 1779, which you were so kind as to enclose, was never known in this State till a few weeks ago, when we received printed copies of the Journals of Congress. It would be a great satisfaction to us, to receive an exact return of all the men we have in Continental service, who come within the description of the resolution, together with our State troops in Continental service. Colonel Cabell was so kind as to send me a return of the Continental regiments, commanded by Lord Sterling, of the first and second Virginia State regiments, and of Colonel Gist's regiment. Besides these are the following; viz. Colonel Harrison's regiment of artillery, Colonel Bayler's horse, Colonel Bland's horse, General Scott's new levies, part of which are gone to Carolina, and part are here, Colonel Gibson's regiment stationed on the Ohio, Heath and Ohara's independent companies at the same stations, Colonel Taylor's regiment of guards to the Convention troops: of these, we have a return. There may, possibly, be others not occurring to me. A return of all these would enable us to see what proportion of the Continental army, is contributed by us. We have, at present, very pressing calls to send additional numbers of men to the southward. No inclination is wanting in either the Legislature or Executive, to aid them or strengthen you: but we find it very difficult to procure men. I herewith transmit to your Excellency some recruiting commissions, to be put into such hands as you may think proper, for re-enlisting such of our soldiery as are not already engaged for the war. The Act of Assembly authorising these instructions, requires that the men enlisted, should be reviewed and received by an officer to be appointed for that purpose; a caution, less necessary in the case of men now actually in service, and, therefore, doubtless, able bodied, than in the raising new recruits. The direction, however, goes to all cases, and,

therefore, we must trouble your Excellency with the appointment of one or more officers of review. Mr. Moss, our agent, receives orders which accompany this, to pay the bounty money and recruiting money, and to deliver the clothing. We have, however, certain reason to fear he has not any great sum of money on hand: and it is absolutely out of our power, at this time, to supply him, or to say, with certainty, when we shall be able to do it. He is instructed to note his acceptances under the draughts, and to assure payment as soon as we shall have it in our power to furnish him, as the only substitute for money. Your Excellency's directions to the officer of review, will probably procure us the satisfaction of being informed, from time to time, how many men shall be re-enlisted.

By Colonel Mathews, I informed your Excellency fully of the situation of Governor Hamilton, and his companions. Lamothe and Dejean have given their paroles, and are at Hanover Court-House: Hamilton, Hay and others, are still obstinate; therefore, still in close confinement, though their irons have never been on, since your second letter on the subject. I wrote full information of this matter to General Phillips also, from whom I had received letters on the subject. I cannot, in reason, believe, that the enemy, on receiving this information, either from yourself or General Phillips, will venture to impose any new cruelties on our officers in captivity with them. Yet their conduct, hitherto, has been most successfully prognosticated by reversing the conclusions of right reason. It is, therefore, my duty, as well as it was my promise to the Virginia captives, to take measures for discovering any change which may be made in their situation. For this purpose, I must apply for your Excellency's interposition. I doubt not but you have an established mode of knowing, at all times, through your commissary of prisoners, the precise state of those in the power of the enemy. I must, therefore, pray you to put into motions, any such means you have, for obtaining knowledge of the situation of the Virginia officers in captivity. If you should think proper, as I could wish, to take upon yourself to retaliate any new sufferings which may be imposed on them, it will be more likely to have due weight, and to restore the unhappy on both sides, to that benevolent treatment for which all should wish.

I have the honor to be, &c. &c.

TH: JEFFERSON.

LETTER XIV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, December 10, 1779.

SIR,

I take the liberty of putting under cover to your Excellency, some letters to Generals Phillips and Reidezel, uninformed whether they are gone into New York or not, and knowing that you can best forward them in either case.

I also trouble you with a letter from the master of the flag in this State, to the British commissary of prisoners in New York, trusting it will thus be more certainly conveyed than if sent to Mr. Adams. It is my wish the British commissary should return his answer through your Excellency, or your commissary of prisoners, and that they should not propose, under this pretext, to send another flag, as the mission of the present flag is not unattended with circumstances of suspicion; and a certain information of the situation of ourselves and our allies here, might influence the measures of the enemy.

Perhaps your commissary of prisoners can effect the former method of answer.

I enclose to you part of an Act of Assembly ascertaining the quantity of land, which shall be allowed to the officers and soldiers at the close of the war, and providing means of keeping that country vacant which has been allotted for them.

I am advised to ask your Excellency's attention to the case of Colonel Bland, late commander of the barracks in Albemarle. When that gentleman was appointed to that command, he attended the Executive here, and informed them, he must either decline it, or be supported in such a way as would keep up that respect which was essential to his command; without, at the same time, ruining his private fortune.

The Executive were sensible he would be exposed to great and unavoidable expense: they observed, his command would be in a department separate from any other, and that he actually relieved a Major General from the same service. They did not think themselves authorised to say what should be done in this case, but undertook to represent the matter to Congress, and, in the mean time, gave it as their opinion that he ought to be allowed a decent table. On this, he undertook the office, and in the course of it incurred expenses which seemed to have been unavoidable, unless he would have lived in such a way as is hardly reconcile-

able to the spirit of an officer, or the reputation of those in whose service he is. Governor Henry wrote on the subject to Congress; Colonel Bland did the same; but we learn they have concluded the allowance to be unprecedented, and inadmissible in the case of an officer of his rank. The commissaries, on this, have called on Colonel Bland for reimbursement. A sale of his estate was about to take place, when we undertook to recommend to them to suspend their demand, till we could ask the favor of you to advocate this matter so far with Congress, as you may think it right; otherwise the ruin of a very worthy officer must inevitably follow.

I have the honor to be, with the greatest respect and esteem,

your Excellency's

most obedient servant,

TH: JEFFERSON.

LETTER XV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Williamsburg, February 10, 1780.

SIR,

It is possible you may have heard, that in the course of last summer an expedition was meditated, by our Colonel Clarke, against Detroit: that he had proceeded so far as to rendezvous a considerable body of Indians, I believe four or five thousand, at St. Vincennes; but, being disappointed in the number of whites he expected, and not choosing to rely principally on the Indians, he was obliged to decline it. We have a tolerable prospect of reinforcing him this spring, to the number which he thinks sufficient for the enterprise. We have informed him of this, and left him to decide between this object, and that of giving vigorous chastisement to those tribes of Indians, whose eternal hostilities have proved them incapable of living on friendly terms with us. It is our opinion, his inclination will lead him to determine on the former. The reason of my laying before your Excellency this matter, is, that it has been intimated to me that Colonel Broadhead is meditating a similar expedition. I wished, therefore, to make you acquainted with what we had in contemplation. The enterprising and energetic genius of Clarke is not altogether unknown to you. You also know (what I am a stranger to) the abilities of Broadhead, and the particular force with which you will be able to arm him for such an expedition. We wish the most hopeful means should be used for removing so uneasy a thorn from our side. As

yourself, alone, are acquainted with all the circumstances necessary for well informed decision, I am to ask the favor of your Excellency, if you should think Broadhead's undertaking it most likely to produce success, that you will be so kind as to intimate to us to divert Clarke to the other object, which is also important to this State. It will, of course, have weight with you, in forming your determination, that our prospect of strengthening Clarke's hands, sufficiently, is not absolutely certain. It may be necessary, perhaps, to inform you, that these two officers cannot act together, which excludes the hopes of ensuring success by a joint expedition.

I have the honor to be, with the most sincere esteem, your Excellency's

most obedient and
most humble servant,
TH: JEFFERSON.

LETTER XVI.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, June 11, 1780.

SIR,

Major Galvan, as recommended by your Excellency, was dispatched to his station without delay, and has been furnished with every thing he desired, as far as we were able. The line of expresses formed between us, is such as will communicate intelligence from one to the other in twenty-three hours. I have forwarded to him information of our disasters in the South, as they have come to me.

Our intelligence from the southward is most lamentably defective. Though Charleston has been in the hands of the enemy, a month, we hear nothing of their movements which can be relied on. Rumors are, that they are penetrating northward. To remedy this defect, I shall immediately establish a line of expresses from hence to the neighborhood of their army, and send thither a sensible judicious person, to give us information of their movements. This intelligence will, I hope, be conveyed to us at the rate of one hundred and twenty miles in the twenty-four hours. They set out to their stations to-morrow. I wish it were possible, that a like speedy line of communication could be formed from hence to your Excellency's head quarters. Perfect and speedy information of what is passing in the South, might put it in your power, perhaps, to frame your measures by theirs. There is re-

ally nothing to oppose the progress of the enemy, northward, but the cautious principles of the military art. North Carolina is without arms. We do not abound. Those we have, are freely imparted to them, but such is the state of their resources, that they have not been able to move a single musket from this State to theirs. All the wagons we can collect, have been furnished to the Marquis de Kalb, and are assembled for the march of twenty-five hundred men, under General Stevens, of Culpeper, who will move on the 19th instant. I have written to Congress to hasten supplies of arms and military stores for the southern States, and particularly to aid us with cartridge paper and boxes, the want of which articles, small as they are, renders our stores useless. The want of money cramps every effort. This will be supplied by the most unpalatable of all substitutes, force. Your Excellency will readily conceive, that, after the loss of one army, our eyes are turned towards the other, and that we comfort ourselves, if any aids can be furnished by you, without defeating the operations more beneficial to the general union, they will be furnished. At the same time, I am happy to find that the wishes of the people go no further, as far as I have an opportuuity of learning their sentiments. Could arms be furnished, I think this State and North Carolina would embody from ten to fifteen thousand militia, immediately, and more if necessary.

I hope, ere long, to be able to give you a more certain statement of the enemy's as well as our situation, which I shall not fail to do. I enclose you a letter from Major Galvan, being the second I have forwarded to you.

With sentiments of the most perfect esteem and respect,
I have the honor to be your Excellency's
most obedient humble servant,
TH: JEFFERSON.

LETTER XVII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, July 2, 1780.

SIR,

I have received from the Committee of Congress, at head quarters, three letters calling for aids of men and provisions. I beg leave to refer you to my letter to them, of this date, on those subjects. I thought it necessary, however, to suggest to you the preparing an arrangement of officers for the men; for, though they

are to supply our battalions, yet, as our whole line officers, almost, are in captivity, I suppose some temporary provision must be made. We cheerfully transfer to you every power which the Executive might exercise on this occasion. As it is possible you may cast your eye on the unemployed officers now within the State, I write to General Muhlenburg, to send you a return of them. I think the men will be rendezvoused within the present month. The bill, indeed, for raising them is not actually passed, but it is in its last stage, and no opposition to any essential parts of it. I will take care to notify you of its passage.

I have, with great pain, perceived your situation; and, the more so, as, being situated between two fires, a division of sentiment has arisen, both in Congress and here, as to which the resources of this country should be sent. The removal of General Clinton to the northward, must, of course, have great influence on the determination of this question; and I have no doubt but considerable aids may be drawn hence, for your army, unless a larger one should be embodied in the South, than the force of the enemy there seems to call for. I have the honor to be, with every sentiment of respect and esteem,

your Excellency's

most obedient humble servant,

TH: JEFFERSON.*

LETTER XVIII.

TO GENERAL EDWARD STEVENS.

Richmond, August 4, 1780.

SIR,

Your several favors of July the 16th, 21st, and 22nd, are now before me. Our smiths are engaged in making five hundred axes and some tomahawks for General Gates. About one hundred of these will go by the wagons now taking in their loads. As these are for the army in general, no doubt but you will participate of them. A chest of medicine was made up for you in Williamsburg, and by a strange kind of forgetfulness, the vessel ordered to bring that, left it and brought the rest of the shop. It is sent for again, and I am not without hopes will be here in time to go by the present wagons. They will carry some ammunition and the axes, and will make up their load with spirits. Tents, I fear, can-

[* See Appendix, note D.]

not be got in this country; we have, however, sent out powers to all the trading towns here, to take it wherever they can find it. I write to General Gates, to try whether the duck in North Carolina cannot be procured by the Executive of that State on Continental account; for, surely, the whole army, as well our militia as the rest, is Continental. The arms you have to spare may be delivered to General Gates's order, taking and furnishing us with proper vouchers. We shall endeavor to send our drafts armed. I cannot conceive how the arms before sent could have got into so very bad order; they certainly went from hence in good condition. You wish to know how far the property of this State, in your hands, is meant to be subject to the orders of the commander in chief. Arms and military stores, we mean to be perfectly subject to him. The provisions going from this country will be for the whole army. If we can get any tents, they must be appropriated to the use of our own troops. Medicine, sick stores, spirits and such things, we expect shall be on the same footing as with the northern army. There, you know, each State furnishes its own troops with these articles, and, of course, has an exclusive right to what is furnished. The money put into your hands, was meant as a particular resource for any extra wants of our own troops, yet, in case of great distress, you would probably not see the others suffer without communicating part of it for their use. We debit Congress with this whole sum. There can be nothing but what is right in your paying Major Mazaret's troops out of it. I wish the plan you have adopted for securing a return of the arms from the militia, may answer. I apprehend any man who has a good gun on his shoulder, would agree to keep it, and have the worth of it deducted out of his pay, more especially, when the receipt of the pay is at some distance. What would you think of notifying to them, further, that a proper certificate that they are discharged, and have *returned their arms*, will be required before any pay is issued to them. A roll, kept and forwarded, of those so discharged, and who have delivered up their arms, would supply accidental losses of their certificates. We are endeavoring to get bayonet belts made. The State quarter master affirms the cartouch boxes sent from this place, (nine hundred and fifty nine in number) were all in good condition. I therefore suppose the three hundred you received in such very bad order, must have gone from the Continental quarter master at Petersburg, or, perhaps, have been pillaged, on the road, of their flaps, to mend shoes, &c. I must still press the return of as many wagons as possible. All you will send, shall be loaded with spirits, or something else

for the army. By their next return, we shall have a good deal of bacon collected. The enclosed is a copy of what was reported to me, as heretofore sent by the wagons.

I am, Sir, with the greatest esteem,
your most obedient humble servant,
TH: JEFFERSON.

LETTER XIX.

TO MAJOR GENERAL GATES.

Richmond, August 15, 1780.

SIR,

Your favor of August the 3rd, is just now put into my hand. Those formerly received have been duly answered, and my replies will, no doubt, have reached you before this date. My last letter to you was by Colonel Drayton.

I spoke fully with you on the difficulty of procuring wagons here, when I had the pleasure of seeing you, and for that reason pressed the sending back as many as possible. One brigade of twelve has since returned, and is again on its way with medicine, military stores, and spirit. Any others which come, and as fast as they come, shall be returned to you with spirit and bacon. I have ever been informed, that the very plentiful harvests of North Carolina, would render the transportation of flour from this State, as unnecessary as it would be tedious, and that, in this point of view, the wagons should carry hence only the articles before mentioned, which are equally wanting with you. Finding that no great number of wagons is likely to return to us, we will immediately order as many more to be bought and sent on, as we possibly can. But, to prevent too great expectations, I must again repeat, that I fear no great number can be got. I do assure you, however, that neither attention nor expense shall be spared, to forward to you every support for which we can obtain means of transportation. You have, probably, received our order on Colonel Lewis, to deliver you any of the beeves he may have purchased.

Tents, I fear, it is in vain to expect, because there is not in this country stuff to make them. We have agents and commissioners in constant pursuit of stuff, but hitherto researches have been fruitless. Your order to Colonel Carrington shall be immediately communicated. A hundred copies of the proclamation shall also be immediately printed and forwarded to you. General Muhlenburg is come to this place, which he will now make his head

quarters. I think he will be able to set into motion, within a very few days, five hundred regulars, who are now equipped for their march, except some blankets still wanting, but I hope nearly procured and ready to be delivered.

I sincerely congratulate you on your successful advances on the enemy, and wish to do every thing to second your enterprises, which the situation of this country, and the means and powers put into my hands, enable me to do.

I am, Sir, with sincere respect and esteem,
your most obedient, and
most humble servant,
TH: JEFFERSON.

LETTER XX.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, September 3, 1780.

SIR,

As I know the anxieties you must have felt, since the late misfortune to the South, and our latter accounts have not been quite so unfavorable as the first, I take the liberty of enclosing you a statement of this unlucky affair, taken from letters from General Gates, General Stevens, and Governor Nash, and, as to some circumstances, from an officer who was in the action.* Another army is collecting; this amounted, on the 23rd ultimo, to between four and five thousand men, consisting of about five hundred Maryland regulars, a few of Hamilton's artillery, and Porterfield's corps, Armand's legion, such of the Virginia militia as had been reclaimed, and about three thousand North Carolina militia, newly embodied. We are told they will increase these to eight thousand. Our new recruits will rendezvous in this State between the 10th and 25th instant. We are calling out two thousand militia, who, I think, however, will not be got to Hillsborough till the 25th of October. About three hundred and fifty regulars marched from Chesterfield a week ago. Fifty march to-morrow, and there will be one hundred or one hundred and fifty more from that post, when they can be cleared of the hospital. This is as good a view as I can give you of the force we are endeavoring to collect; but they are unarmed. Almost the whole small arms seem to have

[* The circumstances of the defeat of General Gates's army, near Camden, in August, 1780, being of historical notoriety, this statement is omitted.]

been lost in the late rout. There are here, on their way southwardly, three thousand stand of arms, sent by Congress, and we have still a few in our magazine. I have written pressingly, as the subject well deserves, to Congress, to send immediate supplies, and to think of forming a magazine here, that in case of another disaster, we may not be left without all means of opposition.

I enclosed to your Excellency, some time ago, a resolution of the Assembly, instructing us to send a quantity of tobacco to New York for the relief of our officers there, and asking the favor of you to obtain permission. Having received no answer, I fear my letter or your answer has miscarried. I therefore take the liberty of repeating my application to you.

I have the honor to be, with the most profound respect,
your Excellency's
most obedient, and
most humble servant,
TH: JEFFERSON.

LETTER XXI.

TO GENERAL EDWARD STEVENS.

Richmond, September 12, 1780.

SIR,

Your letters of August 27th and 30th, are now before me. The subsequent desertions of your militia, have taken away the necessity of answering the question, How they shall be armed? On the contrary, as there must now be a surplus of arms, I am in hopes you will endeavor to reserve them, as we have not here a sufficient number by fifteen hundred or two thousand, for the men who will march hence, if they march in numbers equal to our expectations. I have sent expresses into all the counties from which those militia went, requiring the county lieutenants to exert themselves in taking them; and such is the detestation with which they have been received, that I have heard from many counties they were going back of themselves. You will, of course, hold courts martial on them, and make them soldiers for eight months. If you will be so good as to inform me, from time to time, how many you have, we may, perhaps, get the supernumerary officers in the State, to take command of them. By the same opportunities, I desired notice to be given to the friends of the few remaining with you, that they had lost their clothes and blankets, and recommended, that they should avail themselves of any good opportunity, to send them supplies.

We approve of your accommodating the hospital with medicines, and the Maryland troops with spirits. They really deserve the whole, and I wish we had means of transportation for much greater quantities, which we have on hand and cannot convey. This article we could furnish plentifully to you and them. What is to be done for wagons, I do not know. We have not now one shilling in the treasury to purchase them. We have ordered an active quarter master to go to the westward, and endeavor to purchase on credit, or impress a hundred wagons and teams. But I really see no prospect of sending you additional supplies, till the same wagons return from you, which we sent on with the last. I informed you, in my last letter, we had ordered two thousand militia more, to rendezvous at Hillsborough on the 25th of October. You will judge yourself, whether, in the mean time, you can be more useful by remaining where you are, with the few militia left and coming in, or by returning home, where, besides again accommodating yourself after your losses, you may also aid us in getting those men into motion, and in pointing out such things as are within our power, and may be useful to the service. And you will act accordingly. I am with great friendship and esteem, dear Sir,

your most obedient, humble servant,

TH: JEFFERSON.

LETTER XXII.

TO GENERAL EDWARD STEVENS.

Richmond, September 15, 1780.

SIR,

I beg leave to trouble you with a private letter, on a little matter of my own, having no acquaintance at camp, with whom I can take that liberty. Among the wagons impressed, for the use of your militia, were two of mine. One of these, I know is safe, having been on its way from hence to Hillsborough, at the time of the late engagement. The other, I have reason to believe, was on the field. A wagon master, who says he was near it, informs me, the brigade quarter master cut out one of my best horses, and made his escape on him, and that he saw my wagoner loosening his own horse to come off, but the enemy's horse were then coming up, and he knows nothing further. He was a negro man, named Phill, lame in one arm and leg. If you will do me the favor to enquire what is become of him, what horses are saved, and to send them to me, I shall be much obliged to you. The

horses were not public property, as they were only impressed and not sold. Perhaps your certificate of what is lost, may be necessary for me. The wagon master told me, that the public money was in my wagon, a circumstance, which, perhaps, may aid your enquiries. After apologising for the trouble, I beg leave to assure you, that I am, with great sincerity,

your friend and servant,

TH: JEFFERSON.

LETTER XXIII.

TO MAJOR GENERAL GATES.

Richmond, September 23, 1780.

SIR,

I have empowered Colonel Carrington to have twelve boats, scows or batteaux, built at Taylor's Ferry, and to draw on me for the cost. I recommended the constructing them so as to answer the transportation of provisions along that river, as a change of position of the two armies, may render them unnecessary at Taylor's ferry, and I am thoroughly persuaded, that, unless we can find out some channel of transportation by water, no supplies of bread, of any consequence, can be sent you from this State for a long time to come. The want of wagons is a bar insuperable, at least in any reasonable time. I have given orders to have Fry and Jefferson's map, and Henry's map of Virginia, sought for and purchased. As soon as they can be got, I will forward them. I have also written to General Washington on the subject of wintering the French fleet in the Chesapeake. Our new levies rendezvous in large numbers. As General Washington had constituted them into eight battalions, and allotted none to Colonel Harrison, we think to deliver him about four hundred drafts of another kind, who are to serve eighteen months also. Unless Congress furnish small arms, we cannot arm more than half the men who will go from this State. The prize you mention of tents and blankets is very fortunate. It is absolutely out of our power to get these articles, to any amount, in this country, nor have we clothing for our new levies. They must, therefore, go to you clothed as militia, till we can procure and send on supplies. They will be as warm in their present clothing at Hillsborough, as at Chesterfield Court House.

We have an agent, collecting all the beeves which can be got from the counties round about Portsmouth, to send off to you.

They have there also plentiful crops of corn growing. We have instructed him to try whether means of conveying it down into the Sounds, and up some of the rivers of North Carolina, or by land to Meherrin river, and thence down Chowan, and up Roanoke, cannot be rendered practicable.

I am, with every sentiment of esteem and respect,
your most obedient
and most humble servant,
TH: JEFFERSON.

P. S. I enclose a certificate, acknowledging satisfaction for the money furnished Colonel Kosciusko. T. J.

LETTER XXIV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, September 23, 1780.

SIR,

I yesterday forwarded to you a letter from Colonel Wood, informing you of his situation. That post has, for some time past, been pretty regularly supplied, and I hope will continue to be for some time to come. A person whose punctuality can be relied on, offers to contract for victualling it. If we can agree on terms, and the Assembly will strengthen our hands sufficiently, we think to adopt that method, as the only one to be relied on with certainty. I have heard it hinted that Colonel Wood thinks of quitting that post. I should be exceedingly sorry, indeed, were he to do it. He has given to those under his charge, the most perfect satisfaction, and, at the same time, used all the cautions which the nature of his charge has required. It is principally owing to his prudence and good temper, that the late difficulties have been passed over, almost without a murmur. Any influence which your Excellency shall think proper to use, for retaining him in his present situation, will promote the public good, and have a great tendency to keep up a desirable harmony with the officers of that corps. Our new recruits are rendezvousing very generally. Colonel Harrison was uneasy at having none of them assigned to his corps of artillery, who have very much distinguished themselves in the late unfortunate action, and are reduced almost to nothing. We happened to have about four hundred drafts, raised in the last year, and never called out and sent on duty by their county lieutenants, whom we have collected and are collecting. We

think to deliver these to Colonel Harrison: they are to serve eighteen months from the time of rendezvous. The numbers of regulars and militia ordered from this State into the southern service, are about seven thousand. I trust we may count that fifty-five hundred will actually proceed: but we have arms for three thousand only. If, therefore, we do not speedily receive a supply from Congress, we must countermand a proper number of these troops. Besides this supply, there should certainly be a magazine laid in here, to provide against a general loss as well as daily waste. When we deliver out those now in our magazine, we shall have sent seven thousand stand of our own into the southern service, in the course of this summer. We are still more destitute of clothing, tents and wagons for our troops. The southern army suffers for provisions, which we could plentifully supply, were it possible to find means of transportation. Despairing of this, we directed very considerable quantities, collected on the navigable waters, to be sent northwardly by the quarter master. This he is now doing; slowly, however. Unapprised what may be proposed by our allies, to be done with their fleet in the course of the ensuing winter, I would beg leave to intimate to you, that if it should appear to them eligible that it should winter in the Chesapeake, they can be well supplied with provisions, taking their necessary measures in due time. The waters communicating with that bay furnish easy, and (in that case) safe transportation, and their money will call forth what is denied to ours.

I am, with all possible esteem and respect,
your Excellency's
most obedient and humble servant,
TH: JEFFERSON.

LETTER XXV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, September 26, 1780.

SIR,

The enclosed copy of a letter from Lord Cornwallis* to Colonel Balfour, was sent me by Governor Rutledge: lest you should not have seen it, I do myself the pleasure of transmitting it, with a letter from General Harrington to General Gates giving information of some late movements of the enemy.

[* See Appendix, note E.]

I was honored yesterday with your favor of the 5th instant, on the subject of prisoners, and particularly Lieutenant Governor Hamilton. You are not unapprised of the influence of this officer with the Indians, his activity and embittered zeal against us. You also, perhaps, know how precarious is our tenure of the Illinois country, and how critical is the situation of the new counties on the Ohio. These circumstances determined us to detain Governor Hamilton and Major Hay within our power, when we delivered up the other prisoners. On a late representation from the people of Kentucky, by a person sent here from that country, and expressions of what they had reason to apprehend from these two prisoners, in the event of their liberation, we assured them they would not be parted with, though we were giving up our other prisoners. Lieutenant Colonel Dabusson, aid to Baron de Kalb, lately came here on his parole, with an offer from Lord Rawdon, to exchange him for Hamilton. Colonel Towles is now here with a like proposition for himself, from General Phillips, very strongly urged by the General. These, and other overtures, do not lessen our opinion of the importance of retaining him; and they have been, and will be, uniformly rejected. Should the settlement, indeed, of a cartel become impracticable, without the consent of the States to submit their separate prisoners to its obligation, we will give up these two prisoners, as we would any thing, rather than be an obstacle to a general good. But no other circumstance would, I believe, extract them from us. These two gentlemen, with a Lieutenant Colonel Elligood, are the only separate prisoners we have retained, and the last, only on his own request, and not because we set any store by him. There is, indeed, a Lieutenant Governor Rocheblawe of Kaskaskie, who has broken his parole and gone to New York, whom we must shortly trouble your Excellency to demand for us, as soon as we can forward to you the proper documents. Since the forty prisoners sent to Winchester, as mentioned in my letter of the 9th ultimo, about one hundred and fifty more have been sent thither, some of them taken by us at sea, others sent on by General Gates.

The exposed and weak state of our western settlements, and the danger to which they are subject from the northern Indians, acting under the influence of the British post at Detroit, render it necessary for us to keep from five to eight hundred men on duty, for their defence. This is a great and perpetual expense. Could that post be reduced and retained, it would cover all the States to the southeast of it. We have long meditated the attempt under the direction of Colonel Clarke, but the expense would be so great, that whenever we have wished to take it up, this circumstance has

obliged us to decline it. Two different estimates make it amount to two millions of pounds, present money. We could furnish the men, provisions, and every necessary, except powder, had we the money, or could the demand from us be so far supplied from other quarters, as to leave it in our power to apply such a sum to that purpose; and, when once done, it would save annual expenditures to a great amount. When I speak of furnishing the men, I mean they should be militia, such being the popularity of Colonel Clarke, and the confidence of the western people in him, that he could raise the requisite number at any time. We, therefore, beg leave to refer this matter to yourself, to determine whether such an enterprise would not be for the general good, and if you think it would, to authorise it at the general expense. This is become the more reasonable, if, as I understand, the ratification of the Confederation has been rested on our cession of a part of our western claim; a cession which, (speaking my private opinion,) I verily believe will be agreed to, if the quantity demanded is not unreasonably great. Should this proposition be approved of, it should be immediately made known to us, as the season is now coming on, at which some of the preparations must be made. The time of execution, I think, should be at the time of the breaking up of the ice in the Wabash, and before the lakes open. The interval, I am told, is considerable.

I have the honor to be, &c.

your most obedient and humble servant,

TH: JEFFERSON.

LETTER XXVI.

TO MAJOR GENERAL GATES.

Richmond, October 4, 1780.

SIR,

My letter of September 23rd, answered your favors received before that date, and the present serves to acknowledge the receipt of those of September 24th and 27th. I retain in mind, and recur, almost daily, to your requisitions of August; we have, as yet, no prospect of more than one hundred tents. Flour is ordered to be manufactured, as soon as the season will render it safe; out of which, I trust, we can furnish not only your requisition of August, but that of Congress of September 11th. The corn, you desire, we could furnish when the new crops come in, fully, if water transportation can be found; if not, we shall be able only to

send you what lies convenient to the southern boundary, in which neighborhood, the crops have been much abridged by a flood in Roanoke. We have no rice. Rum and other spirits, we can furnish to a greater amount than you require, as soon as our wagons are in readiness, and shall be glad to commute into that article some others which we have not, particularly sugar, coffee and salt. The vinegar is provided. Colonel Finnie promised to furnish to Colonel Muter, a list of the spades, hoes, &c. which could be furnished from the Continental stores. This list has never yet come to hand. It is believed, the Continental stores here, will fall little short of your requisition, except in the article of axes, which our shops are proceeding on. Your information of September 24th, as to the quality of the axes, has been notified to the workmen, and will, I hope, have a proper effect on those made hereafter. Application has been made to the courts, to have the bridges put in a proper state, which they have promised to do. We are endeavoring again to collect wagons. About twenty are nearly finished at this place. We employed, about three weeks ago, agents to purchase, in the western counties, a hundred wagons and teams. Till these can be got, it will be impossible to furnish any thing from this place. I am exceedingly pleased to hear of your regulation for stopping our wagons at Roanoke. This will put it in our power to repair and replace them, to calculate their returns, provide loads, and will be a great encouragement to increase their number, if possible, as their departure hence will no longer produce the idea of a final adieu to them.

Colonel Senf arrived here the evening before the last. He was employed yesterday and to-day, in copying some actual and accurate surveys, which we had had made of the country round about Portsmouth, as far as Cape Henry to the eastward, Nansemond river to the westward, the Dismal Swamp to the southward, and northwardly, the line of country from Portsmouth by Hampton and York, to Williamsburg, and including the vicinities of these three last posts. This will leave him nothing to do, but to take drawings of particular places, and the soundings of such waters as he thinks material. He will proceed on this business to-morrow, with a letter to General Nelson, and powers to call for the attendance of a proper vessel.

I suppose, that your drafts in favor of the quarter master, if attended with sixty days grace, may be complied with to a certain amount. We will certainly use our best endeavors to answer them. I have only to desire that they may be made payable to the quarter master alone, and not to the bearer. This is to prevent the mortification of seeing an unapprised individual taken

in by an assignment of them, as if they were *ready money*. Your letter to Colonel Finnie will go to Williamsburg immediately. Those to Congress, with a copy of the papers enclosed to me, went yesterday by express. I will take order as to the bacon you mention. I fear there is little of it, and that not capable of being long kept. You are surely not uninformed, that Congress required the greater part of this article to be sent northward, which has been done. I hope, by this time, you receive supplies of beeves from our commissary, Mr. Eaton, who was sent three weeks or a month ago, to exhaust of that article the counties below, and in the neighborhood of Portsmouth; and from thence, was to proceed to other counties, in order, as they stood exposed to an enemy.

The arrival of the French West India fleet (which, though not authentically communicated, seems supported by so many concurring accounts from individuals, as to leave scarcely room for doubt,) will, I hope, prevent the enemy from carrying into effect, the embarkation they had certainly intended from New York, though they are strengthened by the arrival of Admiral Rodney, at that place, with twelve sail of the line and four frigates, as announced by General Washington to Congress, on the 19th ultimo. The accounts of the additional French fleet, are varied, from sixteen to nineteen ships of the line, besides frigates. The number of the latter has never been mentioned. The extracts of letters, which you will see in our paper of this day, are from General Washington, President Huntington and our Delegates in Congress to me. That from Bladensburg, is from a particular acquaintance of mine, whose credit cannot be doubted. The distress we are experiencing from want of leather to make shoes, is great. I am sure you have thought of preventing it in future, by the appointment of a commissary of hides, or some other good regulation for saving and tanning the hides, which the consumption of your army will afford.

I have the honor to be, with all possible esteem and respect, Sir,

your most obedient, and

most humble servant,

TH: JEFFERSON.

LETTER XXVII.

TO GENERAL GATES.

Richmond, October 15, 1780.

SIR,

I am rendered not a little anxious by the paragraph of yours of the 7th instant, wherein you say, 'it is near a month since I received any letter from your Excellency; indeed, the receipt of most that I have written to you, remain unacknowledged.' You ought, within that time, to have received my letter of September the 3rd, written immediately on my return to this place, after a fortnight's absence; that of September the 11th, acknowledging the receipt of yours which covered drafts for money; that of September the 23rd, on the subject of batteaux at Taylor's ferry, wagons, maps of Virginia, wintering the French fleet in the Chesapeake, our new levies, and provisions from our lower counties; and that of October the 4th, in answer to yours of September the 24th, and 27th. I begin to apprehend treachery in some part of our chain of expresses, and beg the favour of you, in your next, to mention whether any, and which of these letters have come to hand. This acknowledges the receipt of yours of September the 28th, and October the 3rd, 5th, and 7th. The first of these was delivered four or five days ago by Captain Drew. He will be permitted to return as you desire, as we would fulfil your wishes in every point in our power, as well as indulge the ardor of a good officer. Our militia from the western counties, are now on their march to join you. They are fond of the kind of service in which Colonel Morgan is generally engaged, and are made very happy by being informed you intend to put them under him. Such as pass by this place, take muskets in their hands. Those from the southern counties beyond the Blue Ridge, were advised to carry their rifles. For those who carry neither rifles nor muskets, as well as for our eighteen months men, we shall send on arms as soon as wagons can be procured. In the mean time, I had hoped that there were arms for those who should first arrive at Hillsborough, as by General Stevens' return, dated at his departure thence, there were somewhere between five and eight hundred muskets (I speak from memory, not having present access to the return) belonging to this State, either in the hands of the few militia who were there, or stored. Captain Fauntleroy, of the cavalry, gives me hopes he shall immediately forward a very considerable supply of accoutrements, for White's and Washing-

ton's cavalry. He told me yesterday, he had received one hundred and thirteen horses for that service, from us. Besides these, he had rejected sixty odd, after we had purchased them, at £3000 a piece. Nelson's two troops were returned to me, deficient only twelve horses, since which, ten have been sent to him by Lieutenant Armstead. I am not a little disappointed, therefore, in the number of cavalry fit for duty, as mentioned in the letter you enclosed me. Your request (as stated in your letter of the 7th) that we will send no men into the field, or even to your camp, that are not well furnished with shoes, blankets, and every necessary for immediate service, would amount to a stoppage of every man; as we have it not in our power to furnish them with real necessaries completely. I hope they will be all shod. What proportion will have blankets I cannot say: we purchase every one which can be found out; and now I begin to have a prospect of furnishing about half of them with tents, as soon as they can be made and forwarded. As to provisions, our agent, Eaton, of whom I before wrote, informs me in a letter of the 5th instant, he shall immediately get supplies of beef into motion, and shall send some corn by a circuitous navigation. But till we receive our wagons from the western country, I cannot hope to aid you in bread. I expect daily to see wagons coming in to us. The militia were ordered to rendezvous at Hillsborough, expecting they would thence be ordered by you into service. I send you herewith, a copy of Henry's map of Virginia. It is a mere *cento* of blunders. It may serve to give you a general idea of the courses of rivers, and positions of counties. We are endeavoring to get you a copy of Fry and Jefferson's; but they are now very scarce. I also enclose you some newspapers, in which you will find a detail of Arnold's apostacy and villany.

I am, with all sentiments of sincere respect and esteem,

Sir, your most obedient,

and most humble servant,

TH: JEFFERSON.

P. S. Just as I was closing my letter, yours of the 9th instant, was put into my hands. I enclose by this express, a power to Mr. Lambe, quarter master, to impress for a month, ten wagons from each of the counties of Brunswick, Mecklenburg, Lunenburg, Charlotte, and Halifax, and direct him to take your orders, whether they shall go first to you, or come here. If the latter, we can load them with arms and spirits. Before their month is out, I hope the hundred wagons from the westward will have come in. We will otherwise provide a relief for these. I am perfectly as-

tonished at your not having yet received my letters before mentioned. I send you a copy of that of the 4th of October, as being most material. I learn, from one of General Muhlenburg's family, that five wagons have set out from hence, with three hundred stand of arms, &c. However, the General writes to you himself. T. J.

LETTER XXVIII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, October 22, 1780

Sir,

I have this morning received certain information of the arrival of a hostile fleet in our bay, of about sixty sail. The debarkation of some light horse, in the neighborhood of Portsmouth, seems to indicate that as the first scene of action. We are endeavoring to collect as large a body to oppose them, as we can arm: this will be lamentably inadequate, if the enemy be in any force. It is mortifying to suppose that a people, able and zealous to contend with their enemy, should be reduced to fold their arms for want of the means of defence. Yet no resources, that we know of, ensure us against this event. It has become necessary to divert to this new object, a considerable part of the aids we had destined for General Gates. We are still, however, sensible of the necessity of supporting him, and have left that part of our country nearest him uncalled on, at present, that they may reinforce him as soon as arms can be received. We have called to the command of our forces, Generals Weeden and Muhlenburg, of the line, and Nelson and Stevens of the militia. You will be pleased to make to these such additions as you may think proper. As to the aids of men, I ask for none, knowing that if the late detachment of the enemy shall have left it safe for you to spare aids of that kind, you will not await my application. Of the troops we shall raise, there is not a single man who ever saw the face of an enemy. Whether the Convention troops will be removed or not, is yet undetermined. This must depend on the force of the enemy, and the aspect of their movements.

I have the honor to be
your Excellency's most obedient
humble servant,
Th: Jefferson.

LETTER XXIX.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, October 25, 1780.

SIR,

I take the liberty of enclosing to you letters from Governor Hamilton, for New York. On some representations received by Colonel Towles, that an indulgence to Governor Hamilton and his companions to go to New York, on parole, would produce the happiest effect on the situation of our officers in Long Island, we have given him, Major Hay, and some of the same party at Winchester, leave to go there on parole. The two former go by water, the latter by land.

By this express I hand on, from General Gates to Congress, intelligence of the capture of Angusta, in Georgia, with considerable quantities of goods; and information, which carries a fair appearance, of the taking of Georgetown, in South Carolina, by a party of ours, and that an army of six thousand French and Spaniards had landed at Sunbury. This is the more credible, as Cornwallis retreated from Charlotte on the 12th instant, with great marks of precipitation. Since my last to you, informing you of an enemy's fleet, they have landed eight hundred men in the neighborhood of Portsmouth, and some more on the bay side of Princess Anne. One thousand infantry landed at New-ports-news, on the morning of the 23rd, and immediately took possession of Hampton. The horse were proceeding up the road. Such a corps as Major Lee's would be of infinite service to us. Next to a naval force, horse seems to be most capable of protecting a country so intersected by waters.

I am, with the most sincere esteem,
your Excellency's most obedient
and most humble servant,
TH: JEFFERSON.

LETTER XXX.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, October 26, 1780.

SIR,

The Executive of this State think it expedient, under our present circumstances, that the prisoners of war under the Convention

of Saratoga, be removed from their present situation. It will be impossible, as long as they remain with us, to prevent the hostile army from being reinforced by numerous desertions from this corps; and this expectation may be one among the probable causes of this movement of the enemy. Should, moreover, a rescue of them be attempted, the extensive disaffection which has of late been discovered, and the almost total want of arms in the hands of our good people, render the success of such an enterprise by no means desperate. The fear of this, and the dangerous convulsions to which such an attempt would expose us, divert the attention of a very considerable part of our militia, from an opposition to an invading enemy. An order has been, therefore, this day issued to Colonel Wood, to take immediate measures for their removal; and every aid has been, and will be given him, for transporting, guarding and subsisting them on the road, which our powers can accomplish. Notice hereof is sent to his Excellency Governor Lee, on whose part, I doubt not, necessary preparations will be made.

I have the honor to be, with the greatest esteem and respect,
your Excellency's
most obedient, and
most humble servant,
TH: JEFFERSON.

LETTER XXXI.

TO GENERAL GATES.

Richmond, October 28, 1780.

SIR,

Your letters of the 14th, 20th and 21st have come to hand, and your despatches to Congress have been regularly forwarded. I shall attend to the caveat against Mr. Ochiltree's bill. Your letter to Colonel Senf remains still in my hands, as it did not come till the enemy had taken possession of the ground, on which I knew him to have been, and I have since no certain information where a letter might surely find him. My proposition as to your bills in favor of the quarter master, referred to yours of September 27th. I have notified to the Continental quarter master, your advance of nine hundred dollars to Cooper. As yet, we have received no wagons. I wish Mr. Lambe may have supplied you. Should those from the western quarter not come in, we

will authorise him or some other, to procure a relief, in time, for those first impressed. We are upon the eve of a new arrangement as to our commissary's and quarter master's departments, as the want of money, introducing its substitute force, requires the establishment of a different kind of system.

Since my first information to you of the arrival of an enemy, they have landed about eight hundred men near Portsmouth, some on the bay side of Princess Anne, one thousand at Hampton, and still retained considerable part on board their ships. Those at Hampton, after committing horrid depredations, have again retired to their ships, which, on the evening of the 26th, were strung along the Road from New-ports-news, to the mouth of Nansemond, which seems to indicate an intention of coming up James river. Our information is, that they have from four to five thousand men, commanded by General Leslie, and that they have come under convoy of one forty gun ship, and some frigates (how many, has never been said,) commanded by Commodore Rodney. Would it not be worth while to send out a swift boat from some of the inlets of Carolina, to notify the French Admiral that his enemies are in a net, if he has leisure to close the mouth of it? Generals Muhlenburg and Nelson, are assembling a force to be ready for them, and General Weeden has come to this place, where he is at present employed in some arrangements. We have ordered the removal of the Saratoga prisoners, that we may have our hands clear for these new guests.

I have the honor to be, with the most perfect esteem and respect, Sir,

your most obedient, and
most humble servant,
TH: JEFFERSON.

LETTER XXXII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, November 3, 1780.

SIR,

Since I had the honor of writing to your Excellency, on the 25th ultimo, the enemy have withdrawn their forces from the North side of James river, and have taken post at Portsmouth, which, we learn, they are fortifying. Their highest post is Suffolk, where there is a very narrow and defensible pass between

Nansemond river and the Dismal Swamp, which covers the country below, from being entered by us. More accurate information of their force, than we at first had, gives us reason to suppose them to be from twenty-five hundred to three thousand strong, of which, between sixty and seventy are cavalry. They are commanded by General Leslie, and were convoyed by the Romulus, of forty guns, the Blonde, of thirty-two guns, the Delight sloop, of sixteen, a twenty gun ship of John Goodwick's, and two row gallies, commanded by Commodore Grayton. We are not assured, as yet, that they have landed their whole force. Indeed, they give out themselves, that after drawing the force of this State to Suffolk, they mean to go to Baltimore. Their movements had induced me to think they came with an expectation of meeting with Lord Cornwallis in this country, that his precipitate retreat has left them without a concerted object, and that they were waiting further orders. Information of this morning says, that being informed of Lord Cornwallis's retreat, and a public paper having been procured by them, wherein were printed the several dispatches which brought this intelligence from General Gates, they unladed a vessel and sent her off to Charleston immediately. The fate of this army of theirs hangs on a very slender naval force, indeed.

The want of barracks at fort Frederick, as represented by Colonel Wood, the difficulty of getting wagons sufficient to move the whole Convention troops, and the state of uneasiness in which the regiment of guards is, have induced me to think it would be better to move these troops in two divisions; and as the whole danger of desertion to the enemy, and correspondence with the disaffected in our southern counties, is from the British only, (for from the Germans we have no apprehensions on either head,) we have advised Colonel Wood to move on the British in the first division, and to leave the Germans in their present situation, to form a second division, when barracks may be erected at fort Frederick. By these means, the British may march immediately under the guard of Colonel Crochet's battalion, while Colonel Taylor's regiment of guards remains with the Germans. I cannot suppose this will be deemed such a separation as is provided against by the Convention, nor that their officers will wish to have the whole troops crowded into barracks, probably not sufficient for half of them. Should they, however, insist on their being kept together, I suppose it would be the opinion that the second division should follow the first as soon as possible, and that their being exposed, in that case, to a want of covering, would be justly imputable to themselves only. The delay of the second division, will lessen the dis-

tress for provisions, which may, perhaps, take place on their first going to the new post, before matters are properly arranged.

I have the honor to be, with great esteem and respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER XXXIII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, November 10, 1780.

SIR,

I enclose your Excellency a copy of an intercepted letter from Major General Leslie, to Lord Cornwallis.* It was taken from a person endeavoring to pass through the country from Portsmouth towards Carolina. When apprehended, and a proposal made to search him, he readily consented to be searched, but, at the same time, was observed to put his hand into his pocket and carry something towards his mouth, as if it were a quid of tobacco: it was examined, and found to be a letter, of which the enclosed is a copy, written on silk paper, rolled up in gold beater's skin, and nicely tied at each end, so as not to be larger than a goose quill. As this is the first authentic disclosure of their purpose in coming here, and may serve to found, with somewhat more of certainty, conjectures respecting their future movements, while their disappointment in not meeting with Lord Cornwallis, may occasion new plans at New York, I thought it worthy of communication to your Excellency.

Some deserters were taken yesterday, said to be of the British Convention troops, who had found means to get to the enemy at Portsmouth, and were seventy or eighty miles on their way back to the barracks, when they were taken. They were passing under the guise of deserters from Portsmouth.

I have the honor to be, with the greatest esteem and respect,
your Excellency's most obedient
and most humble servant,
TH: JEFFERSON.

[* See Appendix, note F.]

LETTER XXXIV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, November 26, 1780.

SIR,

I have been honored with your Excellency's letter of the 8th instant. Having found it impracticable to move, suddenly, the whole Convention troops, British and German, and it being represented that there could not, immediately, be covering provided for them all at Fort Frederick, we concluded to march off the British first, from whom was the principal danger of desertion, and to permit the Germans, who shew little disposition to join the enemy, to remain in their present quarters till something further be done. The British, accordingly, marched the 20th instant. They cross the Blue Ridge at Rock Fish gap, and proceed along that valley. I am to apprise your Excellency, that the officers of every rank, both British and German, but particularly the former, have purchased within this State some of the finest horses in it. You will be pleased to determine, whether it be proper that they carry them within their lines. I believe the Convention of Saratoga entitles them to keep the horses they then had. But I presume none of the line below the rank of field officers, had a horse. Considering the British will be now at Fort Frederick, and the Germans in Albemarle, Alexandria seems to be the most central point to which there is navigation. Would it not, therefore, be better that the flag vessel, solicited by General Phillips, should go to that place? It is about equally distant from the two posts. The roads to Albemarle are good. I know not how those are which lead to Fort Frederick. Your letter referring me to General Green, for the mode of constructing light portable boats, unfortunately, did not come to hand till he had left us. We had before determined to have something done in that way, and as they are still unexecuted, we should be greatly obliged by any draughts or hints, which could be given by any person within the reach of your Excellency.

I received advice, that on the 22nd instant, the enemy's fleet got all under way, and were standing towards the capes: as it still remained undecided, whether they would leave the bay, or turn up it, I waited the next stage of information, that you might so far be enabled to judge of their destination. This I hourly expected, but it did not come till this evening, when I am informed they all got out to sea in the night of the 22nd. What course

they steered afterwards, is not known. I must do their General and Commander the justice to say, that in every case to which their attention and influence could reach, as far as I have been well informed, their conduct was such as does them the greatest honor. In the few instances of wanton and unnecessary devastation, they punished the aggressors.

I have the honor to be,

your Excellency's

most obedient humble servant,

TH: JEFFERSON.

LETTER XXXV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, December 15, 1780.

SIR,

I had the honor of writing to your Excellency on the subject of an expedition contemplated by this State, against the British post at Detroit, and of receiving your answer of October the 10th. Since the date of my letter, the face of things has so far changed, as to leave it no longer optional in us to attempt or decline the expedition, but compels us to decide in the affirmative, and to begin our preparations immediately. The army the enemy at present have in the south, the reinforcements still expected there, and their determination to direct their future exertions to that quarter, are not unknown to you. The regular force proposed on our part to counteract those exertions, is such, either from the real or supposed inability of this State, as by no means to allow a hope that it may be effectual. It is, therefore, to be expected that the scene of war will either be within our country, or very nearly advanced to it; and that our principal dependance is to be on militia, for which reason, it becomes incumbent to keep as great a proportion of our people as possible, free to act in that quarter. In the mean time, a combination is forming in the westward, which, if not diverted, will call thither a principal and most valuable part of our militia. From intelligence received, we have reason to expect that a confederacy of British and Indians, to the amount of two thousand men, is formed for the purpose of spreading destruction and dismay through the whole extent of our frontier, in the ensuing spring. Should this take place, we shall certainly lose in the South all aids of militia beyond the Blue Ridge, besides the inhabitants who must fall a sacrifice in the course of the savage irruptions.

There seems to be but one method of preventing this, which is, to give the western enemy employment in their own country. The regular force Colonel Clarke already has, with a proper draft from the militia beyond the Alleganey, and that of three or four of our most northern counties, will be adequate to the reduction of Fort Detroit, in the opinion of Colonel Clarke; and he assigns the most probable reasons for that opinion. We have, therefore, determined to undertake it, and commit it to his direction. Whether the expense of the enterprise shall be defrayed by the Continent or State, we will leave to be decided hereafter, by Congress, in whose justice we can confide, as to the determination. In the mean time, we only ask the loan of such necessaries as, being already at Fort Pitt, will save time and an immense expense of transportation. These articles shall either be identically or specifically returned; should we prove successful, it is not improbable they may be where Congress would choose to keep them. I am, therefore, to solicit your Excellency's order to the commandant at Fort Pitt, for the articles contained in the annexed list, which shall not be called for until every thing is in readiness; after which, there can be no danger of their being wanted for the post at which they are: indeed, there are few of the articles essential for the defence of the post.

I hope your Excellency will think yourself justified in lending us this aid, without awaiting the effect of an application elsewhere, as such a delay would render the undertaking abortive, by postponing it to the breaking up of the ice in the lake. Independent of the favorable effects, which a successful enterprise against Detroit must produce to the United States, in general, by keeping in quiet the frontier of the northern ones, and leaving our western militia at liberty to aid those of the South, we think the like friendly office performed by us to the States, whenever desired, and almost to the absolute exhausture of our own magazines, give well founded hopes that we may be accommodated on this occasion. The supplies of military stores, which have been furnished by us to Fort Pitt itself, to the northern army, and, most of all, to the southern, are not altogether unknown to you. I am the more urgent for an immediate order, because Colonel Clarke awaits here your Excellency's answer by the express, though his presence in the western country, to make preparations for the expedition, is so very necessary, if you enable him to undertake it. To the above, I must add a request to you to send for us to Pittsburg, persons proper to work the mortars, &c. as Colonel Clarke has none such, nor is there one in this State. They shall be in

the pay of this State, from the time they leave you. Any money necessary for their journey, shall be repaid at Pittsburg, without fail, by the first of March.

At the desire of the General Assembly, I take the liberty of transmitting to you the enclosed resolution; and have the honor to be, with the most perfect esteem and regard,

your Excellency's

most obedient, and

most humble servant,

TH: JEFFERSON.

LETTER XXXVI.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, January 10, 1781.

SIR,

It may seem odd, considering the important events which have taken place in this State within the course of ten days, that I should not have transmitted an account of them to your Excellency; but such has been their extraordinary rapidity, and such the unremitted attention they have required from all concerned in government, that I do not recollect the portion of time which I could have taken to commit them to paper.

On the 31st of December, a letter from a private gentleman to General Nelson, came to my hands, notifying, that in the morning of the preceding day, twenty-seven sail of vessels had entered the capes; and from the tenor of the letter, we had reason to expect, within a few hours, further intelligence; whether they were friends or foes, their force, and other circumstances. We immediately despatched General Nelson to the lower country, with powers to call on the militia in that quarter, or act otherwise as exigencies should require; but waited further intelligence, before we would call for militia from the middle or upper country. No further intelligence came till the 2nd instant, when the former was confirmed; it was ascertained they had advanced up James river to Wanasqueak bay. All arrangements were immediately taken, for calling in a sufficient body of militia for opposition. In the night of the 3rd, we received advice that they were at anchor opposite Jamestown; we then supposed Williamsburg to be their object. The wind, however, which had hitherto been unfavorable, shifted fair, and the tide being also in their favor, they ascended the river to Kennons' that evening, and, with the next tide,

came up to Westover, having, on their way, taken possession of some works we had at Hood's, by which two or three of their vessels received some damage, but which were of necessity abandoned by the small garrison of fifty men placed there, on the enemy's landing to invest the works. Intelligence of their having quitted the station at Jamestown, from which we supposed they meant to land for Williamsburg, and of their having got in the evening to Kennon's, reached us the next morning at five o'clock, and was the first indication of their meaning to penetrate towards this place or Petersburg. As the orders for drawing militia here, had been given but two days, no opposition was in readiness. Every effort was therefore necessary, to withdraw the arms and other military stores, records, &c. from this place. Every effort was, accordingly, exerted to convey them to the foundery five miles, and to a laboratory six miles, above this place, till about sunset of that day, when we learned the enemy had come to an anchor at Westover that morning. We then knew that this, and not Petersburg was their object, and began to carry across the river every thing remaining here, and to remove what had been transported to the foundery and laboratory to Westham, the nearest crossing, seven miles above this place, which operation was continued till they had approached very near. They marched from Westover, at two o'clock in the afternoon of the 4th, and entered Richmond at one o'clock in the afternoon of the 5th. A regiment of infantry and about thirty horse continued on, without halting, to the foundery. They burnt that, the boring mill, the magazine and two other houses, and proceeded to Westham; but nothing being in their power there, they retired to Richmond. The next morning, they burned some buildings of public and private property, with what stores remained in them, destroyed a great quantity of private stores, and about twelve o'clock, retired towards Westover, where they encamped within the neck, the next day.

The loss sustained, is not yet accurately known. As far as I have been able to discover, it consisted, at this place, of about three hundred muskets, some soldiers' clothing to a small amount, some quarter master's stores, of which one hundred and twenty sides of leather was the principal article, part of the artificers' tools, and three wagons. Besides which, five brass four pounders which we had sunk in the river, were discovered to them, raised and carried off. At the foundery, we lost the greater part of the papers belonging to the Auditor's office, and of the books and papers of the Council office. About five or six tons of powder, as we conjecture, was thrown into the canal, of which there will be

a considerable saving by re-manufacturing it. The roof of the foundery was burned, but the stacks of chimneys and furnaces not at all injured. The boring mill was consumed. Within less than forty-eight hours from the time of their landing, and nineteen from our knowing their destination, they had penetrated thirty-three miles, done the whole injury, and retired. Their numbers, from the best intelligence I have had, are about fifteen hundred infantry, and as to their cavalry, accounts vary from fifty to one hundred and twenty; the whole commanded by the parricide Arnold. Our militia, dispersed over a large tract of country, can be called in but slowly. On the day the enemy advanced to this place, two hundred only were embodied. They were of this town and its neighborhood, and were too few to do any thing. At this time, they are assembled in pretty considerable numbers on the south side of James river, but are not yet brought to a point. On the north side are two or three small bodies, amounting in the whole, to about nine hundred men. The enemy were at four o'clock yesterday evening, still remaining in their encampment at Westover and Berkeley neck. In the mean while, Baron Steuben, a zealous friend, has descended from the dignity of his proper command to direct our smallest movements. His vigilance has, in a great measure, supplied the want of force in preventing the enemy from crossing the river, which might have been very fatal. He has been assiduously employed in preparing equipments for the militia, as they should assemble, in pointing them to a proper object, and in other offices of a good commander. Should they loiter a little longer, and he be able to have a sufficient force, I still flatter myself they will not escape with total impunity. To what place they will point their next exertions, we cannot even conjecture. The whole country on the tide waters and some distance from them, is equally open to similar insult. I have the honor to be, with every sentiment of respect,

your Excellency's

most obedient, and

most humble servant,

TH: JEFFERSON.

LETTER XXXVII.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, January 15, 1781.

SIR,

As the dangers which threaten our western frontiers, the ensuing spring, render it necessary that we should send thither Colonel Crocket's battalion, at present on guard at Fredericktown, but raised for the western service, I thought it necessary to give your Excellency previous information thereof, that other forces may be provided in time to succeed to their duties. Captain Read's troop of horse, if necessary, may be continued a while longer on guard.

I have the honor to be, with the greatest respect,
your Excellency's most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER XXXVIII.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, January 15, 1781.

SIR,

I received some time ago from Major Forsyth, and afterwards from you, a requisition to furnish one half the supplies of provision for the Convention troops, removed into Maryland. I should sooner have done myself the honor of writing to you on this subject, but that I hoped to have laid it before you more fully than could be done in writing, by a gentleman who was to pass on other public business to Philadelphia. The late events in this State having retarded his setting out, I think it my duty no longer to postpone explanation on this head.

You cannot be unapprised of the powerful armies of our enemy, at this time in this and the southern States, and that their future plan is to push their successes in the same quarter, by still larger reinforcements. The forces to be opposed to these, must be proportionably great, and these forces must be fed. By whom are they to be fed? Georgia and South Carolina are annihilated, at least, as to us. By the requisition to us to send provisions into Maryland, it is to be supposed that none are to come to the southern army, from any State north of this; for it would seem inconsis-

tent, that while we should be sending North, Maryland and other States beyond that, should be sending their provisions South. Upon North Carolina, then, already exhausted by the ravages of two armies, and on this State, are to depend for subsistence those bodies of men, who are to oppose the greater part of the enemy's force in the United States, the subsistence of the German, and of half the British Conventioners. To take a view of this matter on the Continental requisitions of November the 4th, 1780, for specific quotas of provisions, it is observable that North Carolina and Virginia, are to furnish 10,475,740 pounds of animal food, and 13,529 barrels of flour, while the States north of these, will yield 25,293,810 pounds of animal food, and 106,471 barrels of flour.

If the greater part of the British armies be employed in the South, it is to be supposed that the greater part of the American force will be sent there to oppose them. But should this be the case, while the distribution of the provisions is so very unequal, would it be proper to render it still more so, by withdrawing a part of our contributions to the support of posts northward of us? It would certainly be a great convenience to us, to deliver a portion of our specifics at Fredericktown, rather than in Carolina: but I leave it to you to judge, whether this would be consistent with the general good or safety. Instead of sending aids of any kind to the northward, it seems but too certain that unless very timely and substantial assistance be received from thence, our enemies are yet far short of the ultimate term of their successes. I beg leave, therefore, to refer to you whether the specifics of Maryland, as far as shall be necessary, had not better be applied to the support of the posts within it, for which its quota is much more than sufficient, or, were it otherwise, whether those of the States north of Maryland, had not better be called on, than to detract any thing from the resources of the southern opposition, already much too small for the encounter to which it is left. I am far from wishing to count or measure our contributions by the requisitions of Congress. Were they ever so much beyond these, I should readily strain them in aid of any one of our sister States. But while they are so far short of those calls to which they must be pointed in the first instance, it would be great misapplication to divert them to any other purpose: and I am persuaded you will think me perfectly within the line of duty, when I ask a revisal of this requisition.

I have the honor to be, with the greatest respect,

Sir, your most obedient,

and most humble servant,

TH: JEFFERSON.

LETTER XXXIX.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, January 17, 1781.

SIR,

I do myself the honor of transmitting to your Excellency, a resolution of the General Assembly of this Commonwealth, entered into in consequence of the resolution of Congress of September the 6th, 1780, on the subject of the Confederation. I shall be rendered very happy if the other States of the Union, equally impressed with the necessity of that important convention, shall be willing to sacrifice equally to its completion. This single event, could it take place shortly, would overweigh every success which the enemy have hitherto obtained, and render desperate the hopes to which those successes have given birth.

I have the honor to be, with the most real esteem and respect,
your Excellency's most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER XL.

TO THE VIRGINIA DELEGATES IN CONGRESS.

Richmond, January 18, 1781.

GENTLEMEN,

I enclose you a Resolution of Assembly, directing your conduct as to the navigation of the Mississippi.

The loss of powder lately sustained by us (about five tons,) together with the quantities sent on to the southward, have reduced our stock very low indeed. We lent to Congress, in the course of the last year, (previous to our issues for the southern army,) about ten tons of powder. I shall be obliged to you, to procure an order from the board of war, for any quantity from five to ten tons, to be sent us immediately from Philadelphia or Baltimore, and to enquire into and hasten, from time to time, the execution of it. The stock of cartridge paper is nearly exhausted. I do not know whether Captain Irish, or what other officer, should apply for this. It is essential that a good stock should be forwarded, and without a moment's delay. If there be a rock on which we are to split, it is the want of muskets, bayonets and cartouch boxes.

The occurrences since my last to the President, are not of any magnitude. Three little rencounters have happened with the

enemy. In the first, General Smallwood led on a party of two or three hundred militia, and obliged some armed vessels of the enemy to retire from a prize they had taken at Broadway's, and renewing his attack the next day with a four pounder or two, (for on the first day he had only muskets) he obliged some of their vessels to fall down from City Point to their main fleet at Westover. The enemy's loss is not known; ours was four men wounded. One of the evenings, during their encampment at Westover and Berkeley, their light horse surprised a party of about one hundred or one hundred and fifty militia at Charles City Court House, killed and wounded four, and took, as has been generally said, about seven or eight. On Baron Steuben's approach towards Hood's, they embarked at Westover; the wind which, till then, had set directly up the river from the time of their leaving Jamestown, shifted in the moment to the opposite point. Baron Steuben had not reached Hood's, by eight or ten miles, when they arrived there. They landed their whole army in the night, Arnold attending in person. Colonel Clarke (of Kaskaskias) had been sent on with two hundred and forty men by Baron Steuben, and having properly disposed of them in ambuscade, gave them a deliberate fire, which killed seventeen on the spot, and wounded thirteen. They returned it in confusion, by which we had three or four wounded, and our party being so small and without bayonets, were obliged to retire, on the enemy's charging with bayonets. They fell down to Cobham, whence they carried all the tobacco there (about sixty hogsheads); and the last intelligence was, that on the 16th they were standing for New-ports-news. Baron Steuben is of opinion, they are proceeding to fix a post in some of the lower counties. Later information has given no reason to believe their force more considerable than we at first supposed. I think, since the arrival of the three transports which had been separated in a storm, they may be considered as about two thousand strong. Their naval force, according to the best intelligence, is the Charon, of forty-four guns, Commodore Symmonds, the Amphitrite, Iris, Thames, and Charlestown frigates, the Forvey, of twenty guns, two sloops of war, a privateer ship and two brigs. We have about thirty-seven hundred militia embodied, but at present, they are divided into three distant encampments: one under General Weeden, at Fredericksburg, for the protection of the important works there; another under General Nelson, at and near Williamsburg; and a third under Baron Steuben, at Cabin Point. As soon as the enemy fix themselves, these will be brought to a point.

I have the honor to be, with very great respect, gentlemen,
your most obedient servant,

TH: JEFFERSON.

LETTER XLI.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, February 8, 1781.

SIR,

I have just received intelligence, which, though from a private hand, I believe is to be relied on, that a fleet of the enemy's ships have entered Cape Fear river, that eight of them had got over the bar, and many others were laying off; and that it was supposed to be a reinforcement to Lord Cornwallis, under the command of General Prevost. This account, which had come through another channel, is confirmed by a letter from General Parsons at Halifax, to the gentleman who forwards it to me. I thought it of sufficient importance to be communicated to your Excellency by the stationed expresses. The fatal want of arms, puts it out of our power to bring a greater force into the field, than will barely suffice to restrain the adventures of the pitiful body of men they have at Portsmouth. Should any more be added to them, this country will be perfectly open to them, by land as well as water.

I have the honor to be, with all possible respect,

Your Excellency's most obedient,

and most humble servant,

TH: JEFFERSON.

LETTER XLII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, February 12, 1781.

SIR,

The enclosed extract of a letter from Governor Nash, which I received this day, being a confirmation of the intelligence I transmitted in a former letter, I take the liberty of transmitting it to your Excellency. I am informed, through a private channel on which I have considerable reliance, that the enemy had landed five hundred troops under the command of a Major Craig, who were joined by a number of disaffected; that they had penetrated forty miles; that their aim appeared to be the magazine at Kingston, from which place they were about twenty miles distant.

Baron Steuben transmits to your Excellency, a letter from General Greene, by which you will learn the events which have

taken place in that quarter since the defeat of Colonel Tarleton, by General Morgan. These events speak best for themselves, and no doubt will suggest what is necessary to be done to prevent the successive losses of State after State, to which the want of arms and of a regular soldiery, seem more especially to expose those in the South.

I have the honor to be, with every sentiment of respect,
your Excellency's most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER XLIII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, February 17, 1781.

SIR,

By a letter from General Greene, dated Guilford Court House, February 10th, we are informed that Lord Cornwallis had burned his own wagons, in order to enable himself to move with greater facility, and had pressed immediately on. The prisoners taken at the Cow-pens, were happily saved by the accidental rise of a water course, which gave so much time as to withdraw them from the reach of the enemy. Lord Cornwallis had advanced to the vicinities of the Moravian towns, and was still moving on rapidly. His object was supposed to be, to compel General Greene to an action, which, under the difference of force they had, would probably be ruinous to the latter. General Greene meant to retire by the way of Boyd's ferry, on the Roanoke. As yet he had lost little or no stores or baggage, but they were far from being safe. In the instant of receiving this intelligence, we ordered a reinforcement of militia to him, from the most convenient counties in which there was a hope of finding any arms. Some great event must arise from the present situation of things, which, for a long time, will determine the condition of southern affairs.

Arnold lies close in his quarters. Two days ago, I received information of the arrival of a sixty-four gun ship and two frigates in our bay, being part of the fleet of our good ally at Rhode Island. Could they get at the British fleet here, they are sufficient to destroy them; but these being drawn up into Elizabeth river, into which the sixty-four cannot enter, I apprehend they could do nothing more than block up the river. This, indeed, would reduce the enemy, as we could cut off their supplies by land; but the operation being tedious, would probably be too dangerous for the

auxiliary force. Not having yet had any particular information of the designs of the French Commander, I cannot pretend to say what measures this aid will lead to.

Our proposition to the Cherokee Chiefs, to visit Congress, for the purpose of preventing or delaying a rupture with that nation, was too late. Their distresses had too much ripened their alienation from us, and the storm had gathered to a head, when Major Martin got back. It was determined to carry the war into their country, rather than await it in ours, and thus disagreeably circumstanced, the issue has been successful.

The militia of this State and North Carolina penetrated into their country, burned almost every town they had, amounting to about one thousand houses in the whole, destroyed fifty thousand bushels of grain, killed twenty nine, and took seventeen prisoners. The latter are mostly women and children.

I have the honor to be, &c.

your Excellency's

most obedient humble servant,

TH: JEFFERSON.

P. S. Since writing the above, I have received information which, though not authentic, deserves attention: that Lord Cornwallis had got to Boyd's ferry on the 14th. I am issuing orders, in consequence, to other counties, to embody and march all the men they can arm. In this fatal situation, without arms, there will be no safety for the Convention troops but in their removal, which I shall accordingly order. The prisoners of the Cowpens were at New London (Bedford Court House) on the 14th. T. J.

LETTER XLIV.

TO GENERAL GATES.

Richmond, February 17, 1781.

DEAR GENERAL,

The situation of affairs here and in Carolina, is such as must shortly turn up important events, one way or the other. By letter from General Greene, dated Guilford Court House, February the 10th, I learn that Lord Cornwallis, rendered furious by the affair at the Cowpens and the surprise of Georgetown, had burned his own wagons, to enable himself to move with facility, had pressed on to the vicinity of the Moravian towns, and was still advancing. The prisoners taken at the Cowpens, were saved by a hair's breadth

accident, and Greene was retreating. His force, two thousand regulars, and no militia; Cornwallis's, three thousand. General Davidson was killed in a skirmish. Arnold lies still at Portsmouth with fifteen hundred men. A French sixty-four gun ship, and two frigates of thirty-six each, arrived in our bay three days ago. They would suffice to destroy the British shipping here (a forty, four frigates, and a twenty,) could they get at them. But these are withdrawn up Elizabeth river, which the sixty-four cannot enter. We have ordered about seven hundred riflemen from Washington, Montgomery and Bedford, and five hundred common militia from Pittsylvania and Henry, to reinforce General Greene; and five hundred new levies will march from Chesterfield Court House, in a few days. I have no doubt, however, that the south-western counties will have turned out in greater numbers before our orders reach them.

I have been knocking at the door of Congress for aids of all kinds, but especially of arms, ever since the middle of summer. The speaker, Harrison, is gone to be heard on that subject. Justice, indeed, requires that we should be aided powerfully. Yet if they would repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves.

After repeated applications, I have obtained a warrant for your advance money, £18,000, which I have put into the hands of Mr. McAlister, to receive the money from the Treasurer, and carry it to you.

I am, with very sincere esteem,

Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER XLV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, February 26, 1781.

SIR,

I gave you information in my last letter, that General Greene had crossed the Dan, at Boyd's ferry, and that Lord Cornwallis had arrived at the opposite shore. Large reinforcements of militia having embodied both in front and rear of the enemy, he is retreating with as much rapidity as he advanced; his route is towards Hillsborough. General Greene re-crossed the Dan on the 21st, in pursuit of him. I have the pleasure to inform you, that the

spirit of opposition was as universal, as could have been wished for. There was no restraint on the numbers that embodied, but the want of arms.

The British at Portsmouth, lie close in their lines. The French squadron keep them in by water, and since their arrival, as they put it out of the power of the enemy to cut off our retreat by sending up Nansemond river, our force has been moved down close to their lines.

I have the honor to be, with the greatest respect,
your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER XLVI.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, March 8, 1781.

SIR,

I had the pleasure of receiving a letter from General Greene, dated High-rock ford, February 29th, (probably March the 1st,) who informs me, that on the night of the 24th, Colonel M'Call surprised a subaltern's guard at Hart's mill, killed eight, and wounded and took nine prisoners, and that on the 25th, General Pickens and Lieutenant Colonel Lee routed a body of near three hundred tories, on the Haw river, who were in arms to join the British army, killed upwards of one hundred, and wounded most of the rest; which had a very happy effect on the disaffected in that country.

By a letter from Major Magill, an officer of this State, whom I had sent to General Greene's head quarters, for the purpose of giving us regular intelligence, dated Guilford County March 2nd, I am informed that Lord Cornwallis, on his retreat, erected the British standard at Hillsborough, that numbers of disaffected, under the command of Colonel Piles, were resorting to it, when they were intercepted by General Pickens and Lieutenant Colonel Lee, as mentioned by General Greene, and that their commanding officer was among the slain: that Lord Cornwallis, after destroying every thing he could, moved down the Haw river from Hillsborough: that General Greene was within six miles of him: that our superiority in the goodness, though not in the number of our cavalry, prevented the enemy from moving with rapidity, or foraging. Having been particular in desiring Major Magill to inform

me what corps of militia, from this State, joined General Greene, he accordingly mentioned, that seven hundred under General Stevens, and four hundred from Botetourt, had actually joined him; that Colonel Campbell was to join him that day with six hundred, and that Colonel Lynch, with three hundred from Bedford, was shortly expected: the last three numbers being riflemen. Besides these mentioned by Major Magill, General Lawson must, before this, have crossed Roanoke with a body of militia, the number of which has not been stated to me. Report makes them a thousand, but I suppose the number to be exaggerated. Four hundred of our new levies, left Chesterfield Court House on the 25th of February, and probably would cross the Roanoke about the 1st or 2nd of March.

I was honored with your Excellency's letter of February the 21st, within seven days after its date. We have, accordingly, been making every preparation on our part, which we are able to make. The militia proposed to co-operate, will be upwards of four thousand from this State, and one thousand or twelve hundred from Carolina, said to be under General Gregory. The enemy are, at this time, in a great measure, blockaded by land, there being a force on the east side of Elizabeth river. They suffer for provisions, as they are afraid to venture far, lest the French squadron should be in the neighborhood, and come upon them. Were it possible to block up the river, a little time would suffice to reduce them by want and desertions, and would be more sure in its event than an attempt by storm. I shall be very happy to have it in my power, to hand you a favorable account of these two armies in the South.

I have the honor to be, with the greatest esteem and respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER XLVII.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, March 19, 1781.

SIR,

I have the honor of enclosing to your Excellency a copy of a letter from General Greene, with some other intelligence received, not doubting your anxiety to know the movements in the South.

I find we have deceived ourselves not a little, by counting on the whole numbers of the militia which have been in motion, as if they had all remained with General Greene, when, in fact, they seem only to have visited and quitted him.

The Marquis Fayette arrived at New York on the 15th. His troops still remained at the head of the bay, till the appearance of some force which should render their passage down safe.

I have the honor to be, with sentiments of the highest esteem and respect, your Excellency's

most obedient and
most humble servant,
TH: JEFFERSON.

LETTER XLVIII.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, March 21, 1781.

SIR,

The enclosed letter will inform you of the arrival of a British fleet in Chesapeake bay.

The extreme negligence of our stationed expresses, is no doubt the cause why, as yet, no authentic account has reached us of a general action, which happened on the 15th instant, about a mile and a half from Guilford Court House, between General Greene and Lord Cornwallis. Captain Singleton, an intelligent officer of Harrison's artillery, who was in the action, has this moment arrived here, and gives the general information that both parties were prepared and desirous for action; the enemy were supposed about twenty-five hundred strong, our army about four thousand. That, after a very warm and general engagement, of about an hour and a half, we retreated about a mile and a half from the field, in good order, having, as he supposed, between two and three hundred killed and wounded; the enemy between five and seven hundred killed and wounded: that we lost four pieces of artillery: that the militia, as well as regulars, behaved exceedingly well: that General Greene, he believes, would have renewed the action the next day, had it not proved rainy, and would renew it as soon as possible, as he supposes: that the whole of his troops, both regulars and militia, were in high spirits and wishing a second engagement: that the loss has fallen pretty equally on the militia and regulars: that General Stevens received a ball through the thigh.

Major Anderson, of Maryland, was killed, and Captain Barrett, of Washington's cavalry; Captain Fauntleroy, of the same cavalry, was shot through the thigh, and left in the field.

Captain Singleton having left the camp the day after the battle, does not speak from particular returns, none such having been then made. I must inform your Excellency from him, till more regular applications can reach you, that they are in *extreme want* of lead, cartridge paper and thread. I think it improper, however it might urge an instantaneous supply, to repeat to you his statement of the extent of their stock of these articles. In a former letter, I mentioned to you the failure of the vein of our lead mines, which has left the army here in a state of equal distress and danger.

I have the honor to be, with very high respect and esteem,
your Excellency's most obedient
and most humble servant,
TH: JEFFERSON.

P. S. Look-out-boats have been ordered from the sea board of the eastern shore, to apprise the Commander of the French fleet, on its approach, of the British being in the Chesapeake.
T. J.

LETTER XLIX.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

In Council, Richmond, March 26, 1781.

SIR,

The appointment of commissioner to the war office of this State, having lately become vacant, the Executive are desirous to place Colonel William Davies, of the Virginia Continentals, in that office. This gentleman, however, declines undertaking it, unless his rank in the army, half pay for life and allowance for depreciation of pay, can be reserved to him; observing with justice, that these emoluments, distant as they are, are important to a person who has spent the most valuable part of his youth in the service of his country. As this indulgence rests in the power of Congress alone, I am induced to request it of them on behalf of the State, to whom it is very interesting that the office be properly filled, and I may say, on behalf of the Continent also, to whom the same circumstance is interesting, in proportion to its reliance upon this State for supplies to the southern war. We should not have given Congress the trouble of this application, had we found it easy to

call any other to the office, who was likely to answer our wishes in the exercise of it.

I have the honor to be, with sentiments of the highest respect, your Excellency's

most obedient and
most humble servant,
TH: JEFFERSON.

LETTER L.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, March 28, 1781.

SIR,

I forward to your Excellency under cover with this, copies of letters received from Major General Greene and Baron Steuben, which will give you the latest account of the situation of things with us and in North Carolina.

I observe a late resolve of Congress, for furnishing a number of arms to the southern states; and I lately wrote you on the subject of ammunition and cartridge paper. How much of this State, the enemy thus reinforced, may think proper to possess themselves of, must depend on their own moderation and caution, till these supplies arrive. We had hoped to receive by the French squadron under Monsieur Destouches, eleven hundred stand of arms, which we had at Rhode Island, but were disappointed. The necessity of hurrying forward the troops intended for the southern operations, will be doubtless apparent from this letter.

I have the honor to be, with the greatest respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LI.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, March 31, 1781.

SIR,

The letters and papers accompanying this, will inform your Excellency of the arrival of a British flag vessel with clothing, re-

freshments, money, &c. for their prisoners under the Convention of Saratoga. The gentlemen conducting them, have, on supposition that the prisoners, or a part of them, still remained in this State, applied to me by letters, copies of which I transmit your Excellency, for leave to allow water transportation as far as possible, and then, for themselves to attend them to the post where they are to be issued. These indulgences were usually granted them here, but the prisoners being removed, it becomes necessary to transmit the application to Congress for their direction. In the mean time the flag will wait in James river.

Our intelligence from General Greene's camp as late as the 24th, is, that Lord Cornwallis's march of the day before, had decided his route to Cross creek.

The amount of the reinforcements to the enemy, arrived at Portsmouth, is not yet known with certainty. Accounts differ from fifteen hundred to much larger numbers. We are informed they have a considerable number of horse. The affliction of the people for want of arms is great; that of ammunition is not yet known to them. An apprehension is added, that the enterprise on Portsmouth being laid aside, the troops under the Marquis Fayette will not come on. An enemy three thousand strong, not a regular in the State, nor arms to put in the hands of the militia, are, indeed, discouraging circumstances.

I have the honor to be, with sentiments of the highest respect, your Excellency's

most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LII.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

Richmond, April 7, 1781.

SIR,

Hearing that our arms from Rhode Island have arrived at Philadelphia, I have begged the favor of our Delegates to send them on in wagons immediately, and for the conveyance of my letter, have taken the liberty of setting the Continental line of expresses in motion, which I hope our distress for arms will justify, though the errand be not purely Continental.

I have nothing from General Greene later than the 27th of March; our accounts from Portsmouth vary the reinforcements

which came under General Phillips, from twenty-five hundred to three thousand. Arnold's strength before, was, I think, reduced to eleven hundred. They have made no movement as yet. Their preparation of boats is considerable; whether they mean to go southwardly or up the river, no leading circumstance has yet decided.

I have the honor to be, with the highest respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LIII.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

In Council, April 18, 1781.

SIR,

I was honored, yesterday, with your Excellency's favor enclosing the resolutions of Congress of the 8th instant, for removing stores and provisions from the counties of Accomack and Northampton. We have there no military stores, except a few muskets in the hands of the militia. There are some collections of forage and provisions belonging to the Continent, and some to the State, and the country there, generally, furnishes an abundance of forage. But such is the present condition of Chesapeake bay, that we cannot even get an advice boat across it, with any certainty, much less adventure on transportation. Should, however, any interval happen, in which these articles may be withdrawn, we shall certainly avail ourselves of it, and bring thence whatever we can.

If I have been rightly informed, the horses there are by no means such, as that the enemy could apply them to the purposes of cavalry. Some large enough for the draught may, perhaps, be found, but of these not many.

I have the honor to be, with the greatest respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LIV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, April 23, 1781.

SIR,

On the 18th instant, the enemy came from Portsmouth up James river, in considerable force, though their numbers are not yet precisely known to us. They landed at Burwell's ferry, below Williamsburg, and also a short distance above the mouth of Chickahomony. This latter circumstance obliged Colonel Innis, who commanded a body of militia, stationed on that side the river to cover the country from depredation, to retire upwards, lest he should be placed between their two bodies. One of these entered Williamsburg on the 20th, and the other proceeded to a ship-yard we had on Chickahomony. What injury they did there, I am not yet informed. I take for granted, they have burned an unfinished twenty gun ship we had there. Such of the stores belonging to the yard as were moveable, had been carried some miles higher up the river. Two small gallies also retired up the river. Whether by this, either the stores or gallies were saved, is yet unknown. I am just informed, from a private hand, that they left Williamsburg early yesterday morning. If this sudden departure was not in consequence of some circumstance of alarm unknown to us, their expedition to Williamsburg has been unaccountable. There were no public stores at that place, but those which were necessary for the daily subsistence of the men there. Where they mean to descend next, the event alone can determine. Besides harassing our militia with this kind of war, the taking them from their farms at the interesting season of planting their corn, will have an unfortunate effect on the crop of the ensuing year.

I have heard nothing certain of General Greene since the 6th instant, except that his head quarters were on Little river on the 11th.

I have the honor to be, with the highest respect and esteem,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, May 9, 1781

SIR,

Since the last letter which I had the honor of addressing to your Excellency, the military movements in this state, except a very late one, have scarcely merited communication.

The enemy, after leaving Williamsburg, came directly up James river and landed at City Point, being the point of land on the southern side of the confluence of Appamattox and James rivers. They marched up to Petersburg, where they were received by Baron Steuben, with a body of militia somewhat under one thousand, who, though the enemy were two thousand and three hundred strong, disputed the ground very handsomely, two hours, during which time the enemy gained only one mile, and that by inches. Our troops were then ordered to retire over a bridge, which they did in perfectly good order. Our loss was between sixty and seventy, killed, wounded and taken. The enemy's is unknown, but it must be equal to ours; for their own honor they must confess this, as they broke twice and run like sheep, till supported by fresh troops. An inferiority in number obliged our force to withdraw about twelve miles upwards, till more militia should be assembled. The enemy burned all the tobacco in the warehouses at Petersburg, and its neighborhood. They afterwards proceeded to Osborne's, where they did the same, and also destroyed the residue of the public armed vessels, and several of private property, and then came to Manchester, which is on the hill opposite this place.

By this time, Major General Marquis Fayette having been advised of our danger, had, by forced marches, got here with his detachment of Continental troops; and reinforcements of militia having also come in, the enemy finding we were able to meet them on equal footing, thought proper to burn the warehouses and tobacco at Manchester, and retire to Warwick, where they did the same. Ill armed and untried militia, who never before saw the face of an enemy, have, at times, during the course of this war, given occasions of exultation to our enemies, but they afforded us while at Warwick, a little satisfaction in the same way. Six or eight hundred of their picked men of light infantry, with General Arnold at their head, having crossed the river from Warwick, fled from a patrole of sixteen horse, every man into his boat as he could, some pushing North, some South, as their fears drove

accident, and Greene was retreating. His force, two thousand regulars, and no militia; Cornwallis's, three thousand. General Davidson was killed in a skirmish. Arnold lies still at Portsmouth with fifteen hundred men. A French sixty-four gun ship, and two frigates of thirty-six each, arrived in our bay three days ago. They would suffice to destroy the British shipping here (a forty, four frigates, and a twenty,) could they get at them. But these are withdrawn up Elizabeth river, which the sixty-four cannot enter. We have ordered about seven hundred riflemen from Washington, Montgomery and Bedford, and five hundred common militia from Pittsylvania and Henry, to reinforce General Greene; and five hundred new levies will march from Chesterfield Court House, in a few days. I have no doubt, however, that the south-western counties will have turned out in greater numbers before our orders reach them.

I have been knocking at the door of Congress for aids of all kinds, but especially of arms, ever since the middle of summer. The speaker, Harrison, is gone to be heard on that subject. Justice, indeed, requires that we should be aided powerfully. Yet if they would repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves.

After repeated applications, I have obtained a warrant for your advance money, £18,000, which I have put into the hands of Mr. McAlister, to receive the money from the Treasurer, and carry it to you.

I am, with very sincere esteem,

Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER XLV.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Richmond, February 26, 1781.

SIR,

I gave you information in my last letter, that General Greene had crossed the Dan, at Boyd's ferry, and that Lord Cornwallis had arrived at the opposite shore. Large reinforcements of militia having embodied both in front and rear of the enemy, he is retreating with as much rapidity as he advanced; his route is towards Hillsborough. General Greene re-crossed the Dan on the 21st, in pursuit of him. I have the pleasure to inform you, that the

Phillips to supply this omission by furnishing a passport for the vessel. Having just before taken great offence at a threat of retaliation in the treatment of prisoners, he enclosed his answer to my letter under this address, 'To Thomas Jefferson, Esq. American Governor of Virginia.' I paused on receiving the letter, and for some time would not open it; however, when the miserable condition of our brethren in Charleston occurred to me, I could not determine that they should be left without the necessaries of life, while a punctilio should be discussing between the British General and myself; and knowing that I had an opportunity of returning the compliment to Mr. Phillips in a case perfectly corresponding, I opened the letter.

Very shortly after, I received, as I expected, the permission of the board of war, for the British flag vessel then in Hampton Roads with clothing and refreshments, to proceed to Alexandria. I enclosed and addressed it, 'To William Phillips, Esq. commanding the British forces in the Commonwealth of Virginia.' Personally knowing Phillips to be the proudest man of the proudest nation on earth, I well know he will not open this letter; but having occasion, at the same time, to write to Captain Gerlach, the flag master, I informed him that the Convention troops in this state should perish for want of necessaries, before any should be carried to them through this state, till General Phillips either swallowed this pill of retaliation, or made an apology for his rudeness. And in this, should the matter come ultimately to Congress, we hope for their support.

He has the less right to insist on the expedition of his flag, because his letter, instead of enclosing a passport to expedite ours, contained only an evasion of the application, by saying he had referred it to Sir Henry Clinton, and in the mean time, he has come up the river, and taken the vessel with her loading, which we had chartered and prepared to send to Charleston, and which wanted nothing but the passport to enable her to depart.

I would further observe to you, that this gentleman's letters to the Baron Steuben first, and afterwards to the Marquis Fayette, have been in a style so intolerably insolent and haughty, that both these gentlemen have been obliged to inform him, that if he thinks proper to address them again in the same spirit, all intercourse shall be discontinued.

I am, with great respect and esteem,

Gentlemen, your most obedient servant,

TH: JEFFERSON.

LETTER LVII.

TO HIS EXCELLENCY GENERAL WASHINGTON.

Charlottesville, May 28, 1781.

SIR,

I make no doubt you will have heard, before this shall have the honor of being presented to your Excellency, of the junction of Lord Cornwallis with the force at Petersburg under Arnold, who had succeeded to the command on the death of Major General Phillips. I am now advised that they have evacuated Petersburg, joined at Westover a reinforcement of two thousand men just arrived from New York, crossed James river, and on the 26th instant, were three miles advanced on their way towards Richmond; at which place, Major General the Marquis Fayette lay with three thousand men, regulars and militia: these being the whole number we could arm, until the arrival of the eleven hundred arms from Rhode Island, which are, about this time, at the place where our public stores are deposited. The whole force of the enemy within this state, from the best intelligence I have been able to get, is, I think, about seven thousand men, infantry and cavalry, including also, the small garrison left at Portsmouth. A number of privateers, which are constantly ravaging the shores of our rivers, prevent us from receiving any aid, from the counties lying on navigable waters: and powerful operations meditated against our western frontier, by a joint force of British and Indian savages, have, as your Excellency before knew, obliged us to embody between two and three thousand men in that quarter. Your Excellency will judge from this state of things, and from what you know of our country, what it may probably suffer during the present campaign. Should the enemy be able to produce no opportunity of annihilating the Marquis's army, a small proportion of their force may yet restrain his movements effectually, while the greater part are employed, in detachment, to waste an unarmed country, and lead the minds of the people to acquiescence under those events, which they see no human power prepared to ward off. We are too far removed from the other scenes of war to say, whether the main force of the enemy be within this state. But I suppose, they cannot any where spare so great an army for the operations of the field. Were it possible for this circumstance to justify in your Excellency a determination to lend us your personal aid, it is evident from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employ-

ed in establishing the freedom of kindred states, to whose person, they have still flattered themselves they retained some right, and have ever looked up, as their dernier resort in distress, would restore full confidence of salvation to our citizens, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of which I see only detached parts: and your judgment will be formed on a view of the whole. Should the danger of this state and its consequence to the Union, be such, as to render it best for the whole that you should repair to its assistance, the difficulty would then be, how to keep men out of the field. I have undertaken to hint this matter to your Excellency, not only on my own sense of its importance to us, but at the solicitations of many members of weight in our legislature, which has not yet assembled to speak their own desires.

A few days will bring to me that relief which the constitution has prepared for those oppressed with the labors of my office, and a long declared resolution of relinquishing it to abler hands, has prepared my way for retirement to a private station: still, as an individual, I should feel the comfortable effects of your presence, and have (what I thought could not have been) an additional motive for that gratitude, esteem, and respect, with which I have the honor to be,

your Excellency's
most obedient humble servant,
TH: JEFFERSON.*

LETTER LVIII.

TO GENERAL WASHINGTON.

Annapolis, April 16, 1784.

DEAR SIR,

I received your favor of April the 8th, by Colonel Harrison. The subject of it is interesting, and, so far as you have stood connected with it, has been matter of anxiety to me; because, whatever may be the ultimate fate of the institution of the Cincinnati, as, in its course, it draws to it some degree of disapprobation, I have wished to see you standing on ground separated from it, and

[* An interval of near three years here occurs in the Author's correspondence, during which he preserved only memoranda of the contents of the letters written by him.]

that the character which will be handed to future ages at the head of our Revolution, may, in no instance, be compromitted in subordinate altercations. The subject has been at the point of my pen in every letter I have written to you, but has been still restrained by the reflection that you had among your friends more able counsellors, and, in yourself, one abler than them all. Your letter has now rendered a duty what was before a desire, and I cannot better merit your confidence than by a full and free communication of facts and sentiments, as far as they have come within my observation. When the army was about to be disbanded, and the officers to take final leave, perhaps never again to meet, it was natural for men who had accompanied each other through so many scenes of hardship, of difficulty and danger, who, in a variety of instances, must have been rendered mutually dear by those aids and good offices, to which their situations had given occasion, it was natural, I say, for these to seize with fondness any proposition which promised to bring them together again, at certain and regular periods. And this, I take for granted, was the origin and object of this institution: and I have no suspicion that they foresaw, much less intended, those mischiefs which exist, perhaps in the forebodings of politicians only. I doubt, however, whether in its execution, it would be found to answer the wishes of those who framed it, and to foster those friendships it was intended to preserve. The members would be brought together at their annual assemblies, no longer to encounter a common enemy, but to encounter one another in debate and sentiment. For something, I suppose, is to be done at these meetings, and, however unimportant, it will suffice to produce difference of opinion, contradiction and irritation. The way to make friends quarrel is to put them in disputation under the public eye. An experience of near twenty years has taught me, that few friendships stand this test, and that public assemblies, where every one is free to act and speak, are the most powerful looseners of the bands of private friendship. I think, therefore, that this institution would fail in its principal object, the perpetuation of the personal friendships contracted through the war.

The objections of those who are opposed to the institution shall be briefly sketched. You will readily fill them up. They urge that it is against the Confederation—against the letter of some of our constitutions—against the spirit of all of them;—that the foundation on which all these are built, is the natural equality of man, the denial of every pre-eminence but that annexed to legal office, and, particularly, the denial of a pre-eminence by birth; that, however, in their present dispositions, citizens might decline ac-

cepting honorary instalments into the order, but a time may come, when a change of dispositions would render these flattering, when a well directed distribution of them might draw into the order all the men of talents, of office and wealth, and in this case, would probably procure an ingraftment into the government; that in this, they will be supported by their foreign members, and the wishes and influence of foreign courts; that experience has shown that the hereditary branches of modern governments are the patrons of privilege and prerogative, and not of the natural rights of the people, whose oppressors they generally are: that besides these evils, which are remote, others may take place more immediately; that a distinction is kept up between the civil and military, which it is for the happiness of both to obliterate; that when the members assemble they will be proposing to do something, and what that something may be, will depend on actual circumstances; that being an organised body, under habits of subordination, the first obstruction to enterprise will be already surmounted; that the moderation and virtue of a single character have probably prevented this Revolution from being closed as most others have been, by a subversion of that liberty it was intended to establish; that he is not immortal, and his successor, or some of his successors, may be led by false calculation into a less certain road to glory.

What are the sentiments of Congress on this subject, and what line they will pursue, can only be stated conjecturally. Congress, as a body, if left to themselves, will in my opinion say nothing on the subject. They may, however, be forced into a declaration by instructions from some of the States, or by other incidents. Their sentiments, if forced from them, will be unfriendly to the institution. If permitted to pursue their own path, they will check it by side-blows whenever it comes in their way, and in competitions for office, on equal or nearly equal ground, will give silent preferences to those who are not of the fraternity. My reasons for thinking this are, 1. The grounds on which they lately declined the foreign order proposed to be conferred on some of our citizens. 2. The fourth of the fundamental articles of constitution for the new States. I enclose you the report; it has been considered by Congress, recommitted and reformed by a committee, according to sentiments expressed on other parts of it, but the principle referred to, having not been controverted at all, stands in this as in the original report; it is not yet confirmed by Congress. 3. Private conversations on this subject with the members. Since the receipt of your letter I have taken occasion to extend these; not, indeed, to the military members, because, being of the order, delicacy forbade it, but to the others pretty generally; and among these, I have as yet found

but one who is not opposed to the institution, and that with an anguish of mind, though covered under a guarded silence, which I have not seen produced by any circumstance before. I arrived at Philadelphia before the separation of the last Congress, and saw there and at Princeton some of its members, not now in delegation. Burke's piece happened to come out at that time, which occasioned this institution to be the subject of conversation. I found the same impressions made on them which their successors have received. I hear from other quarters that it is disagreeable, generally, to such citizens as have attended to it, and, therefore, will probably be so to all, when any circumstance shall present it to the notice of all.

This, Sir, is as faithful an account of sentiments and facts as I am able to give you. You know the extent of the circle within which my observations are at present circumscribed, and can estimate how far, as forming a part of the general opinion, it may merit notice, or ought to influence your particular conduct.

It remains now to pay obedience to that part of your letter, which requests sentiments on the most eligible measures to be pursued by the society, at their next meeting. I must be far from pretending to be a judge of what would, in fact, be the most eligible measures for the society. I can only give you the opinions of those with whom I have conversed, and who, as I have before observed, are unfriendly to it. They lead to these conclusions. 1. If the society proceed according to its institution, it will be better to make no applications to Congress on that subject, or any other, in their associated character. 2. If they should propose to modify it, so as to render it unobjectionable, I think this would not be effected without such a modification as would amount almost to annihilation: for such would it be to part with its inheritability, its organization, and its assemblies. 3. If they shall be disposed to discontinue the whole, it would remain with them to determine whether they would choose it to be done by their own act only, or by a reference of the matter to Congress, which would infallibly produce a recommendation of total discontinuance.

You will be sensible, Sir, that these communications are without reserve. I supposed such to be your wish, and mean them but as materials, with such others as you may collect, for your better judgment to work on. I consider the whole matter as between ourselves alone, having determined to take no active part in this or any thing else, which may lead to altercation, or disturb that quiet and tranquillity of mind, to which I consign the remaining portion of my life. I have been thrown back by events, on a stage where I had never more thought to appear. It is but for a time,

however, and as a day laborer, free to withdraw, or be withdrawn at will. While I remain, I shall pursue in silence the path of right, but in every situation, public or private, I shall be gratified by all occasions of rendering you service, and of convincing you there is no one, to whom your reputation and happiness are dearer than to, Sir,

your most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER LIX.

TO COLONEL URIAH FORREST.

Paris, Cul-de-Sac Tetebout, October 20, 1784.

SIR,

I received yesterday your favor of the 8th instant, and this morning went to Auteuil and Passy, to consult with Mr. Adams and Dr. Franklin on the subject of it. We conferred together, and think it is a case in which we could not interpose (were there as yet cause for interposition,) without express instructions from Congress. It is, however, our private opinion, which we give as individuals only, that Mr. McLanahan, while in England, is subject to the laws of England; that, therefore, he must employ counsel, and be guided in his defence by their advice. The law of nations, and the treaty of peace, as making a part of the law of the land, will undoubtedly be under the consideration of the judges who pronounce on Mr. McLanahan's case; and we are willing to hope, that in their knowledge and integrity; he will find certain resources against injustice, and a reparation of all injury to which he may have been groundlessly exposed. A final and palpable failure on their part, which we have no reason to apprehend, might make the case proper for the consideration of Congress.

I have the honor to be, with sentiments of great respect and esteem, for Mr. McLanahan, as well as yourself,

Sir, your most obedient humble servant,
TH: JEFFERSON.

LETTER LX.

TO JOHN JAY.

Paris, May 11, 1785.

SIR,

I was honored on the 2nd instant, with the receipt of your favor of March the 15th, enclosing the resolution of Congress of the 10th of the same month, appointing me their Minister Plenipotentiary at this court, and also of your second letter of March 22nd, covering the commission and letter of credence for that appointment. I beg permission through you, Sir, to testify to Congress my gratitude for this new mark of their favor, and my assurances of endeavoring to merit it by a faithful attention to the discharge of the duties annexed to it. Fervent zeal is all which I can be sure of carrying into their service, and where I fail through a want of those powers which nature and circumstances deny me, I shall rely on their indulgence, and much also on that candor with which your goodness will present my proceedings to their eye. The kind terms in which you are pleased to notify this honor to me, require my sincere thanks. I beg you to accept them, and to be assured of the perfect esteem, with which I have the honor to be, Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LXI.

TO GENERAL CHASTELLUX.

Paris, June 7, 1785.

DEAR SIR,

I have been honored with the receipt of your letter of the 2nd instant, and am to thank you, as I do sincerely, for the partiality with which you receive the copy of the Notes on my country. As I can answer for the facts therein reported on my own observation, and have admitted none on the report of others, which were not supported by evidence sufficient to command my own assent, I am not afraid that you should make any extracts you please for the Journal de Physique, which come within their plan of publication. The strictures on slavery and on the constitution of Virginia,

are not of that kind, and they are the parts which I do not wish to have made public, at least, till I know whether their publication would do most harm or good. It is possible, that in my own country, these strictures might produce an irritation, which would indispose the people towards the two great objects I have in view; that is, the emancipation of their slaves, and the settlement of their constitution on a firmer and more permanent basis. If I learn from thence, that they will not produce that effect, I have printed and reserved just copies enough to be able to give one to every young man at the College. It is to them I look, to the rising generation, and not to the one now in power, for these great reformations. The other copy, delivered at your hotel, was for Monsieur de Buffon. I meant to ask the favor of you to have it sent to him, as I was ignorant how to do it. I have one also for Monsieur Daubenton, but being utterly unknown to him, I cannot take the liberty of presenting it, till I can do it through some common acquaintance.

I will beg leave to say here a few words on the general question of the degeneracy of animals in America. 1. As to the degeneracy of the man of Europe transplanted to America, it is no part of Monsieur de Buffon's system. He goes, indeed, within one step of it, but he stops there. The Abbé Raynal alone has taken that step. Your knowledge of America enables you to judge this question, to say, whether the lower class of people in America, are less informed and less susceptible of information, than the lower class in Europe: and whether those in America, who have received such an education as that country can give, are less improved by it than Europeans of the same degree of education. 2. As to the aboriginal man of America, I know of no respectable evidence on which the opinion of his inferiority of genius has been founded, but that of Don Ulloa. As to Robertson, he never was in America, he relates nothing on his own knowledge, he is a compiler only of the relations of others, and a mere translator of the opinions of Monsieur de Buffon. I should as soon, therefore, add the translators of Robertson to the witnesses of this fact, as himself. Paw, the beginner of this charge, was a compiler from the works of others; and of the most unlucky description; for he seems to have read the writings of travellers, only to collect and republish their lies. It is really remarkable, that in three volumes 12mo, of small print, it is scarcely possible to find one truth, and yet, that the author should be able to produce authority for every fact he states, as he says he can. Don Ulloa's testimony is of the most respectable. He wrote of what he saw, but he saw the Indian of South America only, and that, after he had passed through

ten generations of slavery. It is very unfair, from this sample, to judge of the natural genius of this race of men; and after supposing that Don Ulloa had not sufficiently calculated the allowance which should be made for this circumstance, we do him no injury in considering the picture he draws of the present Indians of South America, as no picture of what their ancestors were, three hundred years ago. It is in North America we are to seek their original character. And I am safe in affirming, that the proofs of genius given by the Indians of North America, place them on a level with whites in the same uncultivated state. The North of Europe furnishes subjects enough for comparison with them, and for a proof of their equality. I have seen some thousands myself, and conversed much with them, and have found in them a masculine, sound understanding. I have had much information from men who had lived among them, and whose veracity and good sense were so far known to me, as to establish a reliance on their information. They have all agreed in bearing witness in favor of the genius of this people. As to their bodily strength, their manners rendering it disgraceful to labor, those muscles employed in labor will be weaker with them, than with the European laborer; but those which are exerted in the chase, and those faculties which are employed in the tracing an enemy or a wild beast, in contriving ambuscades for him, and in carrying them through their execution, are much stronger than with us, because they are more exercised. I believe the Indian, then, to be, in body and mind, equal to the white man. I have supposed the black man, in his present state, might not be so; but it would be hazardous to affirm, that, equally cultivated for a few generations, he would not become so. 3. As to the inferiority of the other animals of America, without more facts, I can add nothing to what I have said in my Notes.

As to the theory of Monsieur de Buffon, that heat is friendly, and moisture adverse to the production of large animals, I am lately furnished with a fact by Dr. Franklin, which proves the air of London and of Paris to be more humid than that of Philadelphia, and so creates a suspicion that the opinion of the superior humidity of America may, perhaps, have been too hastily adopted. And supposing that fact admitted, I think the physical reasonings urged to show, that in a moist country animals must be small, and that in a hot one they must be large, are not built on the basis of experiment. These questions, however, cannot be decided, ultimately, at this day. More facts must be collected, and more time flow off, before the world will be ripe for decision. In the mean time, doubt is wisdom.

I have been fully sensible of the anxieties of your situation, and that your attentions were wholly consecrated, where alone they were wholly due, to the succour of friendship and worth. However much I prize your society, I wait with patience the moment when I can have it without taking what is due to another. In the mean time, I am solaced with the hope of possessing your friendship, and that it is not ungrateful to you to receive assurances of that with which I have the honor to be, Dear Sir,

your most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER LXII.

TO JOHN ADAMS.

Passy, June 15, 1785.

SIR,

Among the instructions given to the ministers of the United States for treating with foreign powers, was one of the 11th of May, 1784, relative to an individual of the name of John Baptist Picquet. It contains an acknowledgment, on the part of Congress, of his merits, and sufferings by friendly services rendered to great numbers of American seamen carried prisoners into Lisbon, and refers to us the delivering him these acknowledgments in honorable terms, and the making him such gratification as may indemnify his losses, and properly reward his zeal. This person is now in Paris, and asks whatever return is intended for him. Being in immediate want of money, he has been furnished with ten guineas. He expressed desires of some appointment either for himself or son at Lisbon, but has been told that none such are in our gift, and that nothing more could be done for him in that line, than to mention to Congress that his services well merit their recollection, if they should make any appointment there analogous to his talents. He says his expenses in the relief of our prisoners have been upwards of fifty moidores. Supposing that, as he is poor, a pecuniary gratification will be most useful to him, we propose, in addition to what he has received, to give him a hundred and fifty guineas, or perhaps four thousand livres, and to write a joint letter to him expressing the sense Congress entertain of his services. We pray you to give us your sentiments on this subject by return of the first post, as he is waiting here, and we wish the aid of your counsels therein.

We are to acknowledge the receipt of your letter of June 3rd, informing us of your reception at the court of London.

I am, with sentiments of great respect and esteem, Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER LXIII.

TO THE GOVERNOR OF VIRGINIA.

Paris, June 16, 1785.

SIR,

I had the honor of receiving, the day before yesterday, the resolution of Council, of March the 10th, and your letter of March the 30th, and shall, with great pleasure, unite my endeavors with those of the Marquis de la Fayette and Mr. Barclay, for the purpose of procuring the arms desired. Nothing can be more wise than this determination to arm our people, as it is impossible to say when our neighbors may think proper to give them exercise. I suppose that the establishing a manufacture of arms, to go hand in hand with the purchase of them from hence, is at present opposed by good reasons. This alone would make us independent for an article essential to our preservation; and workmen could probably be either got here, or drawn from England, to be embarked hence.

In a letter of January the 12th, to Governor Harrison, I informed him of the necessity that the statuary should see General Washington; that we should accordingly send him over unless the Executive disapproved of it, in which case I prayed to receive their pleasure. Mr. Houdon being now re-established in his health, and no countermand received, I hope this measure met the approbation of the Executive: Mr. Houdon will therefore go over with Dr. Franklin, some time in the next month.

I have the honor of enclosing you the substance of propositions which have been made from London to the Farmers General of this country, to furnish them with the tobacco of Virginia and Maryland, which propositions were procured for me by the Marquis de la Fayette. I take the liberty of troubling you with them, on a supposition that it may be possible to have this article furnished from those two States to this country, immediately, without its passing through the entrepot of London, and the returns for it being made, of course, in London merchandise. Twenty thousand hogsheads of tobacco a year, delivered here in exchange for the pro-

duce and manufactures of this country, many of which are as good, some better, and most of them cheaper than in England, would establish a rivalship for our commerce, which would have happy effects in all the three countries. Whether this end will be best effected by giving out these propositions to our merchants, and exciting them to become candidates with the Farmers General for this contract, or by any other means, your Excellency will best judge on the spot.

I have the honor to be, with sentiments of due respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

P. S. I have written on the last subject to the Governor of Maryland also.

LETTER LXIV.

TO COLONEL MONROE.

Paris, June 17, 1785.

DEAR SIR,

I received three days ago your favor of April the 12th. You therein speak of a former letter to me, but it has not come to hand, nor any other of later date than the 14th of December. My last to you was of the 11th of May, by Mr. Adams, who went in the packet of that month. These conveyances are now becoming deranged. We have had expectations of their coming to Havre, which would infinitely facilitate the communication between Paris and Congress; but their deliberations on the subject seem to be taking another turn. They complain of the expense, and that their commerce with us is too small to justify it. They therefore talk of sending a packet every six weeks only. The present one, therefore, which should have sailed about this time, will not sail till the 1st of July. However, the whole matter is as yet undecided. I have hopes that when Mr. St. John arrives from New York, he will get them replaced on their monthly system. By the bye, what is the meaning of a very angry resolution of Congress on his subject? I have it not by me, and therefore cannot cite it by date, but you will remember it, and oblige me by explaining its foundation. This will be handed you by Mr. Otto, who comes to America as Chargé des Affaires, in the room of Mr.

Marbois, promoted to the Intendancy of Hispaniola, which office is next to that of Governor. He becomes the head of the civil, as the Governor is of the military department.

I am much pleased with Otto's appointment; he is good humored, affectionate to America, will see things in a friendly light when they admit of it, in a rational one, always, and will not pique himself on writing every trifling circumstance of irritation to his court. I wish you to be acquainted with him, as a friendly intercourse between individuals who do business together, produces a mutual spirit of accommodation useful to both parties. It is very much our interest to keep up the affection of this country for us, which is considerable. A court has no affections; but those of the people whom they govern, influence their decisions, even in the most arbitrary governments.

The negotiations between the Emperor and Dutch, are spun out to an amazing length. At present there is no apprehension but that they will terminate in peace. This court seems to press it with ardor, and the Dutch are averse, considering the terms cruel and unjust, as they evidently are. The present delays, therefore, are imputed to their coldness and to their forms. In the mean time, the Turk is delaying the demarcation of limits between him and the Emperor, is making the most vigorous preparations for war, and has composed his ministry of warlike characters, deemed personally hostile to the Emperor. Thus time seems to be spinning out, both by the Dutch and Turks, and time is wanting for France. Every year's delay is a great thing for her. It is not impossible, therefore, but that she may secretly encourage the delays of the Dutch, and hasten the preparations of the Porte, while she is recovering vigor herself, also, in order to be able to present such a combination to the Emperor as may dictate to him to be quiet. But the designs of these courts are unsearchable. It is our interest to pray that this country may have no continental war, till our peace with England is perfectly settled. The merchants of this country continue as loud and furious as ever against the *Arret* of August, 1784, permitting our commerce with their islands to a certain degree. Many of them have actually abandoned their trade. The ministry are disposed to be firm; but there is a point at which they will give way: that is, if the clamors should become such as to endanger their places. It is evident that nothing can be done by us, at this time, if we may hope it hereafter. I like your removal to New York, and hope Congress will continue there, and never execute the idea of building their Federal town. Before it could be finished, a change of members in Congress, or the admission of new States, would re-

move them some where else. It is evident that when a sufficient number of the western States come in, they will remove it to Georgetown. In the mean time, it is our interest that it should remain where it is, and give no new pretensions to any other place. I am also much pleased with the proposition to the States to invest Congress with the regulation of their trade, reserving its revenue to the States. I think it a happy idea, removing the only objection which could have been justly made to the proposition. The time too, is the present, before the admission of the western Sates. I am very differently affected towards the new plan of opening our land office, by dividing the lands among the States, and selling them at vendue. It separates still more the interests of the States, which ought to be made joint in every possible instance, in order to cultivate the idea of our being one nation, and to multiply the instances in which the people shall look up to Congress as their head. And when the States get their portions, they will either fool them away, or make a job of it to serve individuals. Proofs of both these practices have been furnished, and by either of them that invaluable fund is lost, which ought to pay our public debt. To sell them at vendue, is to give them to the bidders of the day, be they many or few. It is ripping up the hen which lays golden eggs. If sold in lots at a fixed price, as first proposed, the best lots will be sold first; as these become occupied, it gives a value to the interjacent ones, and raises them, though of inferior quality, to the price of the first. I send you by Mr. Otto, a copy of my book. Be so good as to apologise to Mr. Thompson for my not sending him one by this conveyance. I could not burthen Mr. Otto with more, on so long a road as that from here to L'Orient. I will send him one by a Mr. Williams, who will go ere long. I have taken measures to prevent its publication. My reason is, that I fear the terms in which I speak of slavery, and of our constitution, may produce an irritation which will revolt the minds of our countrymen against reformation in these two articles, and thus do more harm than good. I have asked of Mr. Madison to sound this matter as far as he can, and if he thinks it will not produce that effect, I have then copies enough printed to give one to each of the young men at the College, and to my friends in the country.

I am sorry to see a possibility of * * being put into the Treasury. He has no talents for the office, and what he has, will be employed in rummaging old accounts to involve you in eternal war with * * and he will, in a short time, introduce such dissensions into the commission, as to break it up. If he goes on the other appointment to Kaskaskia, he will produce a revolt of

that settlement from the United States. I thank you for your attention to my outfit. For the articles of household furniture, clothes, and a carriage, I have already paid twenty-eight thousand livres, and have still more to pay. For the greatest part of this, I have been obliged to anticipate my salary, from which, however, I shall never be able to repay it. I find, that by a rigid economy, bordering however on meanness, I can save perhaps, five hundred livres a month, at least in the summer. The residue goes for expenses so much of course and of necessity, that I cannot avoid them without abandoning all respect to my public character. Yet I will pray you to touch this string, which I know to be a tender one with Congress, with the utmost delicacy. I had rather be ruined in my fortune, than in their esteem. If they allow me half a year's salary as an outfit, I can get through my debts in time. If they raise the salary to what it was, or even pay our house rent and taxes, I can live with more decency. I trust that Mr. Adams's house at the Hague, and Dr. Franklin's at Passy, the rent of which has been always allowed him, will give just expectations of the same allowance to me. Mr. Jay, however, did not charge it, but he lived economically and laid up money.

I will take the liberty of hazarding to you some thoughts on the policy of entering into treaties with the European nations, and the nature of them. I am not wedded to these ideas, and, therefore, shall relinquish them cheerfully when Congress shall adopt others, and zealously endeavor to carry theirs into effect. First, as to the policy of making treaties. Congress, by the Confederation, have no original and inherent power over the commerce of the States. But by the 9th article, they are authorised to enter into treaties of commerce. The moment these treaties are concluded, the jurisdiction of Congress over the commerce of the States, springs into existence, and that of the particular States is superseded so far as the articles of the treaty may have taken up the subject. There are two restrictions only, on the exercise of the power of treaty by Congress. 1st. That they shall not, by such treaty, restrain the legislatures of the States from imposing such duties on foreigners, as their own people are subject to: nor 2ndly, from prohibiting the exportation or importation of any particular species of goods. Leaving these two points free, Congress may, by treaty, establish any system of commerce they please; but, as I before observed, it is by treaty alone they can do it. Though they may exercise their other powers by resolution or ordinance, those over commerce can only be exercised by forming a treaty, and this, probably, by an accidental wording of our Confederation. If, therefore, it is better for the States that

Congress should regulate their commerce, it is proper that they should form treaties with all nations with whom we may possibly trade. You see that my primary object in the formation of treaties, is to take the commerce of the States out of the hands of the States, and to place it under the superintendence of Congress, so far as the imperfect provisions of our constitution will admit, and until the States shall, by new compact, make them more perfect. I would say then to every nation on earth, *by treaty*, your people shall trade freely with us, and ours with you, paying no more than the most favored nation, in order to put an end to the right of individual States, acting by fits and starts, to interrupt our commerce or to embroil us with any nation. As to the terms of these treaties, the question becomes more difficult. I will mention three different plans. 1. That no duties shall be laid by either party on the productions of the other. 2. That each may be permitted to equalise their duties to those laid by the other. 3. That each shall pay in the ports of the other, such duties only as the most favored nations pay.

1. Were the nations of Europe as free and unembarrassed of established systems as we are, I do verily believe they would concur with us in the first plan. But it is impossible. These establishments are fixed upon them; they are interwoven with the body of their laws and the organization of their government, and they make a great part of their revenue; they cannot then get rid of them.

2. The plan of equal imposts presents difficulties insurmountable. For how are the equal imposts to be effected? Is it by laying in the ports of A, an equal per cent. on the goods of B, with that which B has laid in his ports on the goods of A? But how are we to find what is that per cent.? For this is not the usual form of imposts. They generally pay by the ton, by the measure, by the weight, and not by the value. Besides, if A sends a million's worth of goods to B, and takes back but the half of that, and each pays the same per cent., it is evident that A pays the double of what he recovers in the same way from B: this would be our case with Spain. Shall we endeavor to effect equality, then, by saying A may levy so much on the sum of B's importations into his ports, as B does on the sum of A's importations into the ports of B? But how find out that sum? Will either party lay open their custom house books candidly to evince this sum? Does either keep their books so exactly as to be able to do it? This proposition was started in Congress when our instructions were formed, as you may remember, and the impossibility of executing it occasioned it to be disapproved. Besides, who should have a right of decid-

ing, when the imposts were equal. A would say to B, my imposts do not raise so much as yours; I raise them therefore. B would then say, you have made them greater than mine, I will raise mine; and thus a kind of auction would be carried on between them, and a mutual irritation, which would end in any thing, sooner than equality and right.

3. I confess then to you, that I see no alternative left but that which Congress adopted, of each party placing the other on the footing of the most favored nation. If the nations of Europe, from their actual establishments, are not at liberty to say to America, that she shall trade in their ports duty free, they may say she may trade there paying no higher duties than the most favored nation; and this is valuable in many of these countries, where a very great difference is made between different nations. There is no difficulty in the execution of this contract, because there is not a merchant who does not know, or may not know, the duty paid by every nation on every article. This stipulation leaves each party at liberty to regulate their own commerce by general rules, while it secures the other from partial and oppressive discriminations. The difficulty which arises in our case is, with the nations having American territory. Access to the West Indies is indispensably necessary to us. Yet how to gain it, when it is the established system of these nations to exclude all foreigners from their colonies. The only chance seems to be this: our commerce to the mother countries is valuable to them. We must endeavor, then, to make this the price of an admission into their West Indies, and to those who refuse the admission, we must refuse our commerce, or load theirs by odious discriminations in our ports. We have this circumstance in our favor too, that what one grants us in their islands, the others will not find it worth their while to refuse. The misfortune is, that with this country we gave this price for their aid in the war, and we have now nothing more to offer. She being withdrawn from the competition, leaves Great Britain much more at liberty to hold out against us. This is the difficult part of the business of treaty, and I own it does not hold out the most flattering prospects.

I wish you would consider this subject, and write me your thoughts on it. Mr. Gerry wrote me on the same subject. Will you give me leave to impose on you the trouble of communicating this to him? It is long, and will save me much labor in copying. I hope he will be so indulgent as to consider it as an answer to that part of his letter, and will give me his further thoughts on it.

Shall I send you so much of the Encyclopedie as is already published, or reserve it here till you come? It is about forty vo-

lumes, which probably is about half the work. Give yourself no uneasiness about the money; perhaps I may find it convenient to ask you to pay trifles occasionally for me in America. I sincerely wish you may find it convenient to come here; the pleasure of the trip will be less than you expect, but the utility greater. It will make you adore your own country, its soil, its climate, its equality, liberty, laws, people and manners. My God! how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy. I confess I had no idea of it myself. While we shall see multiplied instances of Europeans going to live in America, I will venture to say no man now living, will ever see an instance of an American removing to settle in Europe, and continuing there. Come then and see the proofs of this, and on your return add your testimony to that of every thinking American, in order to satisfy our countrymen how much it is their interest to preserve, uninfected by contagion, those peculiarities in their governments and manners, to which they are indebted for those blessings. Adieu, my dear friend; present me affectionately to your colleagues. If any of them think me worth writing to, they may be assured that in the epistolary account I will keep the debit side against them. Once more, adieu.

Your's affectionately,

TH: JEFFERSON.

P. S. June 19. Since writing the above we have received the following account: Monsieur Pilatre de Roziere, who had been waiting for some months at Boulogne for a fair wind to cross the channel, at length took his ascent with a companion. The wind changed after a while, and brought him back on the French coast. Being at a height of about six thousand feet, some accident happened to his balloon of inflammable air; it burst, they fell from that height, and were crushed to atoms. There was a montgolfier combined with the balloon of inflammable air. It is suspected the heat of the montgolfier rarefied too much the inflammable air of the other, and occasioned it to burst. The montgolfier came down in good order. T. J.

LETTER LXV.

TO CHARLES THOMPSON.

Paris, June 21, 1785.

DEAR SIR,

Your favor of March the 6th, has come duly to hand. You therein acknowledge the receipt of mine of November the 11th; at that time you could not have received my last, of February the 8th. At present there is so little new in politics, literature, or the arts, that I write rather to prove to you my desire of nourishing your correspondence, than of being able to give you any thing interesting at this time. The political world is almost lulled to sleep by the lethargic state of the Dutch negotiation, which will probably end in peace. Nor does this court profess to apprehend, that the Emperor will involve this hemisphere in war by his schemes on Bavaria and Turkey. The arts, instead of advancing, have lately received a check, which will probably render stationary for a while, that branch of them which had promised to elevate us to the skies. Pilatre de Roziere, who had first ventured into that region, has fallen a sacrifice to it. In an attempt to pass from Boulogne over to England, a change in the wind having brought him back on the coast of France, some accident happened to his balloon of inflammable air, which occasioned it to burst, and that of rarefied air combined with it being then unequal to the weight, they fell to the earth from a height, which the first reports made six thousand feet, but later ones have reduced to sixteen hundred. Pilatre de Roziere was dead when a peasant, distant one hundred yards only, run to him; but Romain, his companion, lived about ten minutes, though speechless, and without his senses. In literature there is nothing new. For I do not consider as having added any thing to that field, my own Notes, of which I have had a few copies printed. I will send you a copy by the first safe conveyance. Having troubled Mr. Otto with one for Colonel Monroe, I could not charge him with one for you. Pray ask the favor of Colonel Monroe in page 5, line 17, to strike out the words 'above the mouth of Appamattox,' which make nonsense of the passage; and I forgot to correct it before I had enclosed and sent off the copy to him. I am desirous of preventing the reprinting this, should any book merchant think it worth it, till I hear from my friends, whether the terms in which I have spoken of slavery and the constitution of our State, will not, by producing an irritation, retard that reformation which I wish, instead of promoting it. Dr.

Franklin proposes to sail for America about the first or second week of July. He does not yet know however, by what conveyance he can go. Unable to travel by land, he must descend the Seine in a boat to Havre. He has sent to England to get some vessel bound for Philadelphia, to touch at Havre for him. But he receives information that this cannot be done. He has been on the look out ever since he received his permission to return; but, as yet, no possible means of getting a passage have offered, and I fear it is very uncertain when any will offer.

I am with very great esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER LXVI.

TO WILLIAM CARMICHAEL.

Paris, June 22, 1785.

SIR,

Your letter of April the 4th, came to my hands on the 16th of that month, and was acknowledged by mine of May the 3rd. That which you did me the honor to write me on the 5th of April, never came to hand until the 19th of May, upwards of a month after the one of the day before. I have hopes of sending the present by a Mr. Jarvis, who went from hence to Holland some time ago. About this date, I suppose him to be at Brussels, and that from thence he will inform me, whether, in his way to Madrid, he will pass by this place. If he does, this shall be accompanied by a cypher for our future use; if he does not, I must still await a safe opportunity. Mr. Jarvis is a citizen of the United States, from New York, a gentleman of intelligence, in the mercantile line, from whom you will be able to get considerable information of American affairs. I think he left America in January. He informed us that Congress were about to appoint a Mr. Lambe, of Connecticut, their consul to Morocco, and to send him to their ministers, commissioned to treat with the Barbary powers, for instructions. Since that, Mr. Jay enclosed to Mr. Adams, in London, a resolution of Congress deciding definitively on amicable treaties with the Barbary States, in the usual way, and informing him that he had sent a letter and instructions to us, by Mr. Lambe. Though it is near three weeks since we received a communication of this from Mr. Adams, yet we hear nothing further of Mr. Lambe.

Our powers of treating with the Barbary States are full, but in the amount of the expense we are limited. I believe you may safely assure them, that they will soon receive propositions from us, if you find such an assurance necessary to keep them quiet. Turning at this instant to your letter dated April 5th, and considering it attentively, I am persuaded it must have been written on the 5th of May: of this little mistake I ought to have been sooner sensible. Our latest letters from America, are of the middle of April, and are extremely barren of news. Congress had not yet proposed a time for their recess, though it was thought a recess would take place. Mr. Morris had retired, and the treasury was actually administered by commissioners. Their land office was not yet opened. The settlements at Kaskaskia, within the territory ceded to them by Virginia, had prayed the establishment of a regular government, and they were about sending a commissioner to them. General Knox was appointed their secretary of the war office. These, I think, are the only facts we have learned which are worth communicating to you. The inhabitants of Canada have sent a sensible petition to their King, praying the establishment of an Assembly, the benefits of the habeas corpus laws, and other privileges of British subjects. The establishment of an Assembly is denied, but most of their other desires granted. We are now in hourly expectation of the arrival of the packet which should have sailed from New York in May. Perhaps that may bring us matter which may furnish the subject of a more interesting letter.

In the mean time, I have the honor to be, with the highest respect, Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

P. S. July 14. I have thus long waited, day after day, hoping to hear from Mr. Jarvis, that I might send a cypher with this: but now give up the hope. No news yet of Mr. Lambe. The packet has arrived but brings no intelligence, except that it is doubtful whether Congress will adjourn this summer. The Assembly of Pennsylvania propose to suppress their bank on principles of policy. T. J.

LETTER LXVII.

TO JOHN ADAMS.

Paris, June 23, 1785.

DEAR SIR,

My last to you was of the 2nd instant, since which I have received yours of the 3rd and 7th. I informed you in mine of the substance of our letter to Baron Thulemeyer: last night came to hand his acknowledgment of the receipt of it. He accedes to the method proposed for signing, and has forwarded our dispatch to the King. I enclose you a copy of our letter to Mr. Jay, to go by the packet of this month. It contains a state of our proceedings since the preceding letter, which you had signed with us. This statement contains nothing but what you had concurred with us in; and, as Dr. Franklin expects to go early in July to America, it is probable that the future letters must be written by you and myself. I shall therefore take care that you be furnished with copies of every thing which comes to hand on the joint business.

What is become of this Mr. Lambe? I am uneasy at the delay of that business, since we know the ultimate decision of Congress. Dr. Franklin, having a copy of the Corps Diplomatique, has promised to prepare a draught of a treaty to be offered to the Barbary States: as soon as he has done so, we will send it to you for your corrections. We think it will be best to have it in readiness against the arrival of Mr. Lambe, on the supposition that he may be addressed to the joint ministers for instructions.

I asked the favor of you in my last, to choose two of the best London papers for me; one of each party. The Duke of Dorset has given me leave to have them put under his address, and sent to the office from which his despatches come. I think he called it Cleveland office, or Cleveland lane, or by some such name; however, I suppose it can easily be known there. Will Mr. Stockdale undertake to have these papers sent regularly, or is this out of the line of his business? Pray order me also any really good pamphlets that come out from time to time, which he will charge to me.

I am, with great esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER LXVIII.

TO COLONEL MONROE.

Paris, July 5, 1785.

DEAR SIR,

I wrote you by Mr. Adams, May the 11th, and by Mr. Otto, June the 17th. The latter acknowledged the receipt of yours of April the 12th, which is the only one come to hand of later date than December the 14th. Little has occurred since my last. Peace seems to show herself under a more decided form. The Emperor is now on a journey to Italy, and the two Dutch Plenipotentiaries have set out for Vienna; there to make an apology for their State having dared to fire a gun in defence of her invaded rights: this is insisted on as a preliminary condition. The Emperor seems to prefer the glory of terror to that of justice; and, to satisfy this tinsel passion, plants a dagger in the heart of every Dutchman which no time will extract. I enquired lately of a gentleman who lived long at Constantinople, in a public character, and enjoyed the confidence of that government, insomuch, as to become well acquainted with its spirit and its powers, what he thought might be the issue of the present affair between the Emperor and the Porte. He thinks the latter will not push matters to a war; and, if they do, they must fail under it. They have lost their warlike spirit, and their troops cannot be induced to adopt the European arms. We have no news yet of Mr. Lambe; of course, our Barbary proceedings are still at a stand.*

Yours affectionately,

TH: JEFFERSON.

LETTER LXIX.

TO MRS. SPROWLE.

Paris, July 5, 1785.

MADAM,

Your letter of the 21st of June, has come safely to hand. That which you had done me the honor of writing before, has not yet been received. It having gone by Dr. Witherspoon to America,

[* The remainder of this letter is in cypher, to which there is no key in the Editor's possession.]

which I had left before his return to it, the delay is easily accounted for.

I wish you may be rightly informed that the property of Mr. Sprowle is yet unsold. It was advertised so long ago, as to found a presumption that the sale has taken place. In any event you may go safely to Virginia. It is in the London newspapers only, that exist those mobs and riots, which are fabricated to deter strangers from going to America. Your person will be sacredly safe, and free from insult. You can best judge, from the character and qualities of your son, whether he may be an useful coadjutor to you there. I suppose him to have taken side with the British, before our Declaration of Independence; and, if this was the case, I respect the candor of the measure, though I do not its wisdom. A right to take the side which every man's conscience approves in a civil contest, is too precious a right, and too favorable to the preservation of liberty, not to be protected by all its well informed friends. The Assembly of Virginia have given sanction to this right in several of their laws, discriminating honorably, those who took side against us, before the Declaration of Independence, from those who remained among us, and strove to injure us by their treacheries. I sincerely wish that you, and every other to whom this distinction applies favorably, may find in the Assembly of Virginia, the good effects of that justice and generosity, which have dictated to them this discrimination. It is a sentiment which will gain strength in their breasts, in proportion as they can forget the savage cruelties committed on them, and will, I hope, in the end, induce them to restore the property itself, wherever it is unsold, and the price received for it, where it has been actually sold.

I am, Madam,
your very humble servant,
TH: JEFFERSON.

LETTER LXX.

TO JOHN ADAMS.

Paris, July 7, 1785.

DEAR SIR,

This will accompany a joint letter enclosing the draft of a treaty, and my private letter of June 23rd, which has waited so long for a private conveyance. We daily expect from the Baron Thu-

lemeyer, the French column for our treaty with his sovereign. In the mean while, two copies are preparing with the English column, which Dr. Franklin wishes to sign before his departure, which will be within four or five days. The French, when received, will be inserted in the blank columns of each copy. As the measure of signing at separate times and places is new, we think it necessary to omit no other circumstance of ceremony which can be observed. That of sending it by a person of confidence, and invested with a character relative to the object, who shall attest our signature here, yours in London, and Baron Thulemeyer's at the Hague, and who shall make the actual exchanges, we think will contribute to supply the departure from the usual form, in other instances. For this reason, we have agreed to send Mr. Short on this business, to make him a secretary *pro hac vice*, and to join Mr. Dumas for the operations of exchange, &c. As Dr. Franklin will have left us before Mr. Short's mission will commence, and I have never been concerned in the ceremonials of a treaty, I will thank you for your immediate information as to the papers he should be furnished with from hence. He will repair first to you in London, thence to the Hague, and then return to Paris.

What has become of Mr. Lambe? Supposing he was to call on the commissioners for instructions, and thinking it best these should be in readiness, Dr. Franklin undertook to consult well the Barbary treaties with other nations, and to prepare a sketch which we should have sent for your correction. He tells me he has consulted those treaties, and made references to the articles proper for us, which, however, he will not have time to put into form, but will leave them with me to reduce. As soon as I see them, you shall hear from me. A late conversation with an English gentleman here, makes me believe, what I did not believe before; that his nation thinks seriously that Congress have no power to form a treaty of commerce. As the explanations of this matter, which you and I may separately give, may be handed to their minister, it would be well that they should agree. For this reason, as well as for the hope of your shewing me wherein I am wrong, and confirming me where I am right, I will give you my creed on the subject. It is contained in these four principles. By the Confederation, Congress have no power given them, in the first instance, over the commerce of the States. But they have a power given them of entering into treaties of commerce, and these treaties may cover the whole field of commerce, with two restrictions only. 1. That the States may impose equal duties on foreigners as natives: and 2. That they may prohibit the exportation or importation of any species of goods whatsoever. When they shall have

entered into such treaty, the superintendence of it results to them; all the operations of commerce, which are protected by its stipulations, come under their jurisdiction, and the power of the States to thwart them by their separate acts, ceases. If Great Britain asks, then, why she should enter into treaty with us? why not carry on her commerce without treaty? I answer; because till a treaty is made, no consul of hers can be received, (his functions being called into existence by a convention only, and the States having abandoned the right of separate agreements and treaties;) no protection to her commerce can be given by Congress; no cover to it from those checks and discouragements, with which the States will oppress it, acting separately, and by fits and starts. That they will act so till a treaty is made, Great Britain has had several proofs; and I am convinced those proofs will become general. It is then to put her commerce with us on systematical ground, and under safe cover, that it behoves Great Britain to enter into treaty. And I own to you, that my wish to enter into treaties with the other powers of Europe, arises more from a desire of bringing all our commerce under the jurisdiction of Congress, than from any other views. Because, according to my idea, the commerce of the United States with those countries not under treaty with us, is under the jurisdiction of each State separately; but that of the countries which have treated with us, is under the jurisdiction of Congress, with the two fundamental restraints only, which I have before noted.

I shall be happy to receive your corrections of these ideas, as I have found, in the course of our joint services, that I think right when I think with you.

I am, with sincere affection, Dear Sir,

your friend and servant,

TH: JEFFERSON.

P. S. Monsieur Houdon has agreed to go to America to take the figure of General Washington. In case of his death, between his departure from Paris, and his return to it, we may lose twenty thousand livres. I ask the favor of you to inquire what it will cost to ensure that sum, on his life, in London, and to give me as early an answer as possible, that I may order the ensurance if I think the terms easy enough. He is, I believe, between thirty and thirty-five years of age, healthy enough, and will be absent about six months. T. J.

LETTER LXXI.

TO GENERAL WASHINGTON.

Paris, July 10, 1785.

DEAR SIR,

Mr. Houdon would much sooner have had the honor of attending you, but for a spell of sickness which long induced us to despair of his recovery, and from which he is but recently recovered. He comes now, for the purpose of lending the aid of his art to transmit you to posterity. He is without rivalship in it, being employed from all parts of Europe in whatever is capital. He has had a difficulty to withdraw himself from an order of the Empress of Russia; a difficulty however, that arose from a desire to shew her respect, but which never gave him a moment's hesitation about his present voyage, which he considers as promising the brightest chapter of his history. I have spoken of him as an artist only; but I can assure you also, that, as a man, he is disinterested, generous, candid, and panting after glory: in every circumstance meriting your good opinion. He will have need to see you much while he shall have the honor of being with you; which you can the more freely admit, as his eminence and merit give him admission into genteel societies here. He will need an interpreter. I suppose you could procure some person from Alexandria, who might be agreeable to yourself, to perform this office. He brings with him one or two subordinate workmen, who of course will associate with their own class only.

On receiving the favor of your letter of February the 25th, I communicated the plan for clearing the Potomac, with the act of Assembly, and an explanation of its probable advantages, to Mr. Grand, whose acquaintance and connection with the monied men here, enabled him best to try its success. He has done so; but to no end. I enclose you his letter. I am pleased to hear in the mean time, that the subscriptions are likely to be filled up at home. This is infinitely better, and will render the proceedings of the company much more harmonious. I place an immense importance to my own country, on this channel of connection with the new western States. I shall continue uneasy till I know that Virginia has assumed her ultimate boundary to the westward. The late example of the State of Franklin separating from North Carolina, increases my anxieties for Virginia.

The confidence you are so good as to place in me, on the subject of the interest lately given you by Virginia in the Potomac

company, is very flattering to me. But it is distressing also, inasmuch as, to deserve it, it obliges me to give my whole opinion. My wishes to see you made perfectly easy, by receiving those just returns of gratitude from our country to which you are entitled, would induce me to be contented with saying, what is a certain truth, that the world would be pleased with seeing them heaped on you, and would consider your receiving them as no derogation from your reputation. But I must own that the declining them will add to that reputation, as it will shew that your motives have been pure and without any alloy. This testimony, however, is not wanting either to those who know you, or who do not. I must therefore repeat, that I think the receiving them will not, in the least, lessen the respect of the world, if from any circumstances they would be convenient to you. The candor of my communication will find its justification, I know, with you.

A tolerable certainty of peace leaves little interesting in the way of intelligence. Holland and the Emperor will be quiet. If any thing is brewing, it is between the latter and the Porte. Nothing in prospect as yet from England. We shall bring them, however, to a decision, now that Mr. Adams is received there. I wish much to hear that the canal through the Dismal Swamp is resumed.

I have the honor to be, with the highest respect and esteem,

Dear Sir, your most obedient,

and most humble servant,

TH: JEFFERSON.

LETTER LXXII.

TO THE GOVERNOR OF VIRGINIA.

Paris, July 11, 1785.

SIR,

Mr. Houdon's long and desperate illness has retarded, till now, his departure for Virginia. We had hoped, from our first conversations with him, that it would be easy to make our terms, and that the cost of the statue and expense of sending him, would be but about a thousand guineas. But when we came to settle this precisely, he thought himself obliged to ask vastly more; insomuch, that at one moment, we thought our treaty at an end. But unwilling to commit such a work to an inferior hand, we made him an ultimate proposition on our part. He was as much morti-

fied at the prospect of not being the executor of such a work, as we were, not to have it done by such a hand. He therefore acceded to our terms; though we are satisfied he will be a considerable loser. We were led to insist on them, because, in a former letter to the Governor, I had given the hope we entertained of bringing the whole within one thousand guineas. The terms are twenty-five thousand livres, or one thousand English guineas (the English guinea being worth twenty-five livres) for the statue and pedestal. Besides this, we pay his expenses going and returning, which we expect will be between four and five thousand livres: and if he dies on the voyage, we pay his family ten thousand livres. This latter proposition was disagreeable to us; but he has a father, mother, and sisters, who have no resource but in his labor: and he is himself one of the best men in the world. He therefore made it a *sine qua non*, without which all would have been off. We have reconciled it to ourselves, by determining to get insurance on his life made in London, which we expect can be done for five per cent.; so that it becomes an additional sum of five hundred livres. I have written to Mr. Adams to know, for what per cent. the insurance can be had. I enclose you, for a more particular detail, a copy of the agreement. Dr. Franklin, being on his departure, did not become a party to the instrument, though it has been concluded with his approbation. He was disposed to give two hundred and fifty guineas more, which would have split the difference between the actual terms, and Mr. Houdon's demand. I wish the State, at the conclusion of the work, may agree to give him this much more; because I am persuaded he will be a loser, which, I am sure, their generosity would not wish. But I have not given him the smallest expectation of it, choosing the proposition should come from the State, which will be more honorable. You will perceive by the agreement, that I pay him immediately 8333 1-3 livres, which is to be employed in getting the marble in Italy, its transportation, &c. The package and transportation of his stucco to make the moulds, will be about five hundred livres. I shall furnish him with money for his expenses in France, and I have authorised Dr. Franklin, when he arrives in Philadelphia, to draw on me for money for his other expenses, going, staying, and returning. These drafts will have been made probably, and will be on their way to me, before you receive this, and with the payments made here, will amount to about five thousand livres more than the amount of the bill remitted me. Another third, of 8333 1-3 livres, will become due at the end of the ensuing year.

Dr. Franklin leaves Passy this morning. As he travels in a litter, Mr. Houdon will follow him some days hence, and will em-

bark with him for Philadelphia. I am in hopes he need not stay in America more than a month.

I have the honor to be, with due respect, your Excellency's most obedient and most humble servant,

TH: JEFFERSON.

LETTER LXXIII.

TO THE PRESIDENT OF CONGRESS.

(Private.) Paris, July 12, 1785.

DEAR SIR,

I was honored, two days ago, with yours of May the 16th, and thank you for the intelligence it contained, much of which was new to me. It was the only letter I received by this packet, except one from Mr. Hopkinson, on philosophical subjects. I generally write about a dozen by every packet, and receive sometimes one, sometimes two, and sometimes ne'er a one. You are right in supposing all letters opened which come either through the French or English channel, unless trusted to a passenger. Your's had evidently been opened, and I think I never received one through the post office which had not been. It is generally discoverable by the smoakiness of the wax, and faintness of the re-impression. Once they sent me a letter open, having forgotten to re-seal it. I should be happy to hear that Congress thought of establishing packets of their own between New York and Havre; to send a packet from each port once in two months. The business might possibly be done by two packets, as will be seen by the following scheme, wherein we will call the two packets A and B.

January,	A sails	from	New York,	B from	Havre,
February,					
March,	B "	"	New York,	A "	Havre,
April,					
May,	A "	"	New York,	B "	Havre,
June,					
July,	B "	"	New York,	A "	Havre,
August,					
September,	A "	"	New York,	B "	Havre,
October,					
November,	B "	"	New York,	A "	Havre,
December,					

I am persuaded that government would gladly arrange this method with us, and send their packets in the intermediate months, as they are tired of the expense. We should then have a safe conveyance every two months, and one for common matters every month. A courier would pass between this and Havre in twenty-four hours. Could not the surplus of the post office revenue be applied to this? This establishment would look like the commencement of a little navy; the only kind of force we ought to possess. You mention that Congress is on the subject of requisition. No subject is more interesting to the honor of the States. It is an opinion which prevails much in Europe, that our government wants authority to draw money from the States, and that the States want faith to pay their debts. I shall wish much to hear how far the requisitions on the States are productive of actual cash. Mr. Grand informed me, the other day, that the commissioners were dissatisfied with his having paid to this country but two hundred thousand livres, of the four hundred thousand for which Mr. Adams drew on Holland; reserving the residue to replace his advances and furnish current expenses. They observed that these last objects might have been effected by the residue of the money in Holland, which was lying dead. Mr. Grand's observation to me was, that Mr. Adams did not like to draw for these purposes, that he himself had no authority, and that the commissioners had not accompanied their complaints with any draft on that fund; so that the debt still remains unpaid, while the money is lying dead in Holland. He did not desire me to mention this circumstance; but should you see the commissioners, it might not be amiss to communicate it to them, that they may take any measures they please, if they think it proper to do any thing in it. I am anxious to hear what is done with the States of Vermont and Franklin. I think that the former is the only innovation on the system of April 23rd, 1784, which ought ever possibly to be admitted. If Congress are not firm on that head, our several States will crumble to atoms by the spirit of establishing every little canton into a separate State. I hope Virginia will concur in that plan as to her territory South of the Ohio; and not leave to the western country to withdraw themselves by force, and become our worst enemies instead of our best friends.

I have the honor to be, with sentiments of great respect,
your Excellency's
most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LXXIV.

TO THE VIRGINIA DELEGATES IN CONGRESS.

Paris, July 12, 1785.

GENTLEMEN,

In consequence of the orders of the legislative and executive bodies of Virginia, I have engaged Monsieur Houdon to make the statue of General Washington. For this purpose it is necessary for him to see the General. He therefore goes with Doctor Franklin, and will have the honor of delivering you this himself. As his journey is at the expense of the State, according to our contract, I will pray you to favor him with your patronage and counsels, and to protect him as much as possible, from those impositions to which strangers are but too much exposed. I have advised him to proceed in the stages to the General's. I have also agreed, if he can see Generals Greene and Gates, whose busts he has a desire to execute, that he may make a moderate deviation for this purpose, after he has done with General Washington.

But the most important object with him, is to be employed to make General Washington's equestrian statue for Congress. Nothing but the expectation of this, could have engaged him to have undertaken this voyage; as the pedestrian statue, for Virginia, will not make it worth the business he loses by absenting himself. I was therefore obliged to assure him of my recommendations for this greater work. Having acted in this for the state, you will, I hope, think yourselves in some measure bound to patronise and urge his being employed by Congress. I would not have done this myself, nor asked you to do it, did I not see that it would be better for Congress to put this business into his hands, than into those of any other person living, for these reasons: 1. He is, without rivalship, the first statuary of this age; as a proof of which, he receives orders from every other country for things intended to be capital. 2. He will have seen General Washington, have taken his measures in every part, and, of course, whatever he does of him will have the merit of being original, from which other workmen can only furnish copies. 3. He is in possession of the house, the furnaces, and all the apparatus provided for making the statue of Louis XV. If any other workman be employed, this will all have to be provided anew, and, of course, to be added to the price of the statue; for no man can ever expect to make two equestrian statues. The addition which this would be to the price, will much exceed the expectation of any person who has not seen that appa-

ratus. In truth it is immense. As to the price of the work, it will be much greater than Congress is probably aware of. I have inquired somewhat into this circumstance, and find the prices of those made for two centuries past, have been from one hundred and twenty thousand guineas, down to sixteen thousand guineas, according to the size. And as far as I have seen, the smaller they are, the more agreeable. The smallest yet made, is infinitely above the size of life, and they all appear outrée and monstrous. That of Louis XV. is probably the best in the world, and it is the smallest here. Yet it is impossible to find a point of view, from which it does not appear a monster, unless you go so far as to lose sight of the features, and finer lineaments of the face and body. A statue is not made like a mountain, to be seen at a great distance. To perceive those minuter circumstances which constitute its beauty, you must be near it, and, in that case, it should be so little above the size of the life, as to appear actually of that size, from your point of view. I should not therefore fear to propose, that the one intended by Congress, should be considerably smaller than any of those to be seen here; as I think it will be more beautiful, and also cheaper. I have troubled you with these observations, as they have been suggested to me from an actual sight of works of this kind, and I supposed they might assist you in making up your minds on this subject. In making a contract with Monsieur Houdon, it would not be proper to advance money, but as his disbursements and labor advance. As it is a work of many years, this will render the expense insensible. The pedestrian statue of marble, is to take three years; the equestrian, of course, would take much more. Therefore the sooner it is begun, the better.

I am, with sentiments of the highest respect, Gentlemen,
your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER LXXV.

TO JOHN JAY.

Paris, July 12, 1785.

SIR,

My last letter to you was dated the 17th of June. The present serves to cover some papers put into my hands by Captain Paul Jones. They respect an antient matter, which is shortly this.

While Captain Jones was hovering on the coast of England, in the year 1779, a British pilot, John Jackson by name, came on board him, supposing him to be British. Captain Jones found it convenient to detain him as a pilot, and, in the action with the Serapis, which ensued, this man lost his arm. It is thought that this gives him a just claim to the same allowance with others, who have met with the like misfortune in the service of the United States. Congress alone being competent to this application, it is my duty to present the case to their consideration; which I beg leave to do through you.

Dr. Franklin will be able to give you so perfect a state of all transactions relative to his particular office in France, as well as to the subjects included in our general commission, that it is unnecessary for me to enter on them. His departure, with the separate situation of Mr. Adams and myself, will render it difficult to communicate to you the future proceedings of the commission, as regularly as they have been heretofore. We shall do it, however, with all the punctuality practicable, either separately or jointly, as circumstances may require and admit.

I have the honor to be, with sentiments of the highest respect, Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LXXVI.

TO MONSIEUR BRIET.

Paris, July 13, 1785.

SIR,

I am glad to hear that the Council have ordered restitution of the merchandise seized in L'Orient, contrary to the freedom of the place. When a court of justice has taken cognisance of a complaint, and has given restitution of the principal subject, if it refuses some of the accessories, we are to presume that some circumstance of evidence appeared to them, unknown to us, and which rendered its refusal just and proper. So, in the present case, if any circumstances in the conduct of the owner, or relative to the merchandise itself, gave probable grounds of suspicion that they were not entitled to the freedom of the port, damages for the detention might be properly denied. Respect for the integrity of courts

of justice, and especially of so high a one as that of the King's Council, obliges us to presume that circumstances arose which justified this part of their order. It is only in cases where justice is palpably denied, that one nation, or its ministers, are authorised to complain of the courts of another. I hope you will see, therefore, that an application from me as to the damages for detention, would be improper.

I have the honor to be, Sir,
your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER LXXVII.

TO MESSRS. FRENCH AND NEPHEW.

Paris, July 13, 1785.

GENTLEMEN,

I had the honor of receiving your letter of June the 21st, enclosing one from Mr. Alexander of June the 17th, and a copy of his application to Monsieur de Calonnes. I am very sensible that no trade can be on a more desperate footing than that of tobacco, in this country; and that our merchants must abandon the French markets, if they are not permitted to sell the productions they bring, on such terms as will enable them to purchase reasonable returns in the manufactures of France. I know but one remedy to the evil; that of allowing a free vent: and I should be very happy in being instrumental to the obtaining this. But while the purchase of tobacco is monopolised by a company, and they pay for that monopoly a heavy price to the government, they doubtless are at liberty to fix such places and terms of purchase, as may enable them to make good their engagements with government. I see no more reason for obliging them to give a greater price for tobacco than they think they can afford, than to do the same between two individuals treating for a horse, a house, or any thing else. Could this be effected by applications to the minister, it would only be a palliative which would retard the ultimate cure, so much to be wished for and aimed at by every friend to this country, as well as to America.

I have the honor to be, Gentlemen,
your most obedient humble servant,
TH: JEFFERSON.

LETTER LXXVIII.

TO DR. STYLES.

Paris, July 17, 1785.

SIR,

I have long deferred doing myself the honor of writing to you, wishing for an opportunity to accompany my letter with a copy of the Bibliothéque Physico-œconomique; a book published here lately in four small volumes, and which gives an account of all the improvements in the arts which have been made for some years past. I flatter myself you will find in it many things agreeable and useful. I accompany it with the volumes of the Connoissance des tems for the years 1781, 1784, 1785, 1786, 1787. But why, you will ask, do I send you old almanacks, which are proverbially useless? Because, in these publications have appeared, from time to time, some of the most precious things in astronomy. I have searched out those particular volumes which might be valuable to you on this account. That of 1781, contains de la Caille's catalogue of fixed stars reduced to the commencement of that year, and a table of the aberrations and nutations of the principal stars. 1784 contains the same catalogue with the nebuleuses of Messier. 1785 contains the famous catalogue of Hamsteed, with the positions of the stars reduced to the beginning of the year 1784, and which supersedes the use of that immense book. 1786 gives you Euler's lunar tables corrected; and 1787, the tables for the planet Herschel. The two last needed not an apology, as not being within the description of old almanacks. It is fixed on grounds which scarcely admit a doubt, that the planet Herschel was seen by Mayer in the year 1756, and was considered by him as one of the zodiacal stars, and as such, arranged in his catalogue, being the 964th which he describes. This 964th of Mayer has been since missing, and the calculations for the planet Herschel shew that it should have been, at the time of Mayer's observation, where he places his 964th star. The volume of 1787, gives you Mayer's catalogue of the zodiacal stars. The researches of the natural philosophers of Europe seem mostly in the field of chemistry, and here, principally, on the subjects of air and fire. The analysis of these two subjects, presents to us very new ideas. When speaking of the Bibliothéque Physico-œconomique, I should have observed, that since its publication, a man in this city has invented a method of moving a vessel on the water, by a machine worked within the vessel. I went to see it. He did not know

himself the principle of his own invention. It is a screw with a very broad thin worm, or rather it is a thin plate with its edge applied spirally round an axis. This being turned, operates on the air, as a screw does, and may be literally said to screw the vessel along: the thinness of the medium, and its want of resistance, occasion a loss of much of the force. The screw, I think, would be more effectual if placed below the surface of the water. I very much suspect that a countryman of ours, Mr. Bushnel of Connecticut, is entitled to the merit of a prior discovery of this use of the screw. I remember to have heard of his submarine navigation during the war, and, from what Colonel Humphreys now tells me, I conjecture that the screw was the power he used. He joined to this, a machine for exploding under water at a given moment. If it were not too great a liberty for a stranger to take, I would ask from him a narration of his actual experiments, with or without a communication of his principle, as he should choose. If he thought proper to communicate it, I would engage never to disclose it, unless I could find an opportunity of doing it for his benefit. I thank you for your information as to the great bones found on the Hudson river. I suspect that they must have been of the same animal with those found on the Ohio: and if so, they could not have belonged to any human figure, because they are accompanied with tusks of the size, form and substance, of those of the elephant. I have seen a part of the ivory, which was very good. The animal itself must have been much larger than an elephant. Mrs. Adams gives me an account of a flower found in Connecticut, which vegetates when suspended in the air. She brought one to Europe. What can be this flower? It would be a curious present to this continent.

The accommodation likely to take place between the Dutch and the Emperor, leaves us without that unfortunate resource for news, which wars give us. The Emperor has certainly had in view the Bavarian exchange of which you have heard; but so formidable an opposition presented itself, that he has thought proper to disavow it. The Turks shew a disposition to go to war with him, but if this country can prevail on them to remain in peace, they will do so. It has been thought that the two Imperial courts have a plan of expelling the Turks from Europe. It is really a pity, so charming a country should remain in the hands of a people, whose religion forbids the admission of science and the arts among them. We should wish success to the object of the two empires, if they meant to leave the country in possession of the Greek inhabitants. We might then expect, once more, to see the language of Homer and Demosthenes a living language.

For I am persuaded the modern Greek would easily get back to its classical models. But this is not intended. They only propose to put the Greeks under other masters: to substitute one set of barbarians for another.

Colonel Humphreys having satisfied you that all attempts would be fruitless here, to obtain money or other advantages for your college, I need add nothing on that head. It is a method of supporting colleges of which they have no idea, though they practice it for the support of their lazy monkish institutions.

I have the honor to be, with the highest respect and esteem, Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LXXIX.

TO JOHN ADAMS.

Paris, July 28, 1785.

DEAR SIR,

Your favors of July the 16th and 18th, came to hand the same day on which I had received Baron Thulemeyer's enclosing the ultimate draught for the treaty. As this draught, which was in French, was to be copied into the two instruments which Dr. Franklin had signed, it is finished this day only. Mr. Short sets out immediately. I have put into his hands a letter of instructions how to conduct himself, which I have signed, leaving a space above for your signature. The two treaties I have signed at the left hand, Dr. Franklin having informed me that the signatures are read backwards. Besides the instructions to Mr. Short, I signed also a letter to Mr. Dumas, associating him with Mr. Short. These two letters I made out as nearly conformably as I could, to your ideas expressed in your letter of the 18th. If any thing more be necessary, be so good as to make a separate instruction for them signed by yourself, to which I will accede. I have not directed Mr. Dumas's letter. I have heretofore directed to him as 'Agent for the United States at the Hague,' that being the description under which the journals of Congress speak of him. In his last letter to me, is a paragraph from which I conclude that the address I have used, is not agreeable, and perhaps may be wrong. Will you be so good as to address the letter to him, and to inform me how to address him hereafter. Mr. Short carries also the other

papers necessary. His equipment for his journey requiring expenses which cannot come into the account of ordinary expenses, such as clothes, &c. what allowance should be made him? I have supposed somewhere between a guinea a day, and one thousand dollars a year, which I believe is the salary of a private secretary. This I mean as over and above his travelling expenses. Be so good as to say, and I will give him an order on his return. The danger of robbery, has induced me to furnish him with only money enough to carry him to London. You will be so good as to procure him enough to carry him to the Hague, and back to Paris.

The confederation of the King of Prussia with some members of the Germanic body, for the preservation of their constitution, is, I think, beyond a doubt. The Emperor has certainly complained of it in formal communications at several courts. By what can be collected from diplomatic conversation here, I also conclude it tolerably certain, that the Elector of Hanover has been invited to accede to the confederation, and has done, or is doing so. You will have better circumstances however, on the spot, to form a just judgment. Our matters with the first of these powers being now in conclusion, I wish it was so with the Elector of Hanover. I conclude, from the general expressions in your letter, that little may be expected. Mr. Short furnishing so safe a conveyance that the trouble of the cypher may be dispensed with, I will thank you for such details of what has passed, as may not be too troublesome to you.

The difficulties of getting books into Paris, delayed for some time my receipt of the Corps diplomatique left by Dr. Franklin. Since that, we have been engaged with expediting Mr. Short. A huge packet also, brought by Mr. Mazzei, has added to the causes which have as yet prevented me from examining Dr. Franklin's notes on the Barbary treaty. It shall be one of my first occupations. Still the possibility is too obvious that we may run counter to the instructions of Congress, of which Mr. Lambe is said to be the bearer. There is a great impatience in America for these treaties. I am much distressed between this impatience and the known will of Congress, on the one hand, and the uncertainty of the details committed to this tardy servant.

The Duke of Dorset sets out for London to-morrow. He says he shall be absent two months. There is some whisper that he will not return, and that Lord Carmarthen wishes to come here. I am sorry to lose so honest a man as the Duke. I take the liberty to ask an answer about the insurance of Houdon's life.

Congress is not likely to adjourn this summer. They have passed an ordinance for selling their lands. I have not received it.

What would you think of the enclosed draught to be proposed to the courts of London and Versailles? I would add Madrid and Lisbon, but that they are still more desperate than the others. I know it goes beyond our powers; and beyond the powers of Congress too; but it is so evidently for the good of all the States, that I should not be afraid to risk myself on it, if you are of the same opinion. Consider it, if you please, and give me your thoughts on it by Mr. Short: but I do not communicate it to him, nor any other mortal living but yourself.

Be pleased to present me in the most friendly terms to the ladies, and believe me to be, with great esteem,

Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER LXXX.

TO HOGENDORP.

Paris, July 29, 1785.

DEAR SIR,

By an American gentleman who went to the Hague, about a month ago, I sent you a copy of my Notes on Virginia. Having since that received some copies of the revisal of our laws, of which you had desired one, I now send it to you. I congratulate you sincerely on the prospect of your country's being freed from the menace of war, which, however just, is always expensive and calamitous, and sometimes unsuccessful.

Congress having made a very considerable purchase of land from the Indians, have established a land office, and settled the mode of selling the lands. Their plan is judicious. I apprehend some inconveniences in some parts of it, but if such should be found to exist they will amend them. They receive in payment their own certificates, at par with actual money. We have a proof, the last year, that the failure of the States to bring money into the treasury, has proceeded, not from any unwillingness, but from the distresses of their situation. Heretofore, Massachusetts and Pennsylvania had brought in the most money, and Virginia was among the least. The last year, Virginia has paid in more than all the rest together. The reason is, that she is at liberty to avail herself of her natural resources, and has free markets for them; whereas the others, which, while they were sure of a sale for their commodities, brought more into the treasury; now, that that sale is, by circumstances, rendered more precarious, they bring in but little.

The impost is not yet granted. Rhode Island and New York hold off. Congress have it in contemplation to propose to the States, that the direction of all their commerce shall be committed to Congress, reserving to the States, respectively, the revenue which shall be laid on it. The operations of our good friends, the English, are calculated as precisely to bring the States into this measure, as if we directed them ourselves, and as they were, through the whole war, to produce that union which was so necessary for us. I doubt whether Congress will adjourn this summer.

Should you be at the Hague, I will beg leave to make known to you the bearer hereof, Mr. William Short. He is of Virginia, has come to stay some time with me at Paris, being among my most particular friends. Though young, his talents and merit are such as to have placed him in the Council of State of Virginia; an office which he relinquished to make a visit to Europe.

I have the honor to be, with very high esteem, Dear Sir,
your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LXXXI.

TO MESSRS. N. AND J. VAN STAPHORST, *Amsterdam.*

Paris, July 30, 1785.

GENTLEMEN,

I received yesterday your favor of the 25th. Supposing that the funds which are the object of your enquiry, are those which constitute what we call our *domestic* debt, it is my opinion that they are absolutely secure: I have no doubt at all but that they will be paid, with their interest at six per cent. But I cannot say that they are as secure and solid as the funds which constitute our *foreign* debt: because no man in America ever entertained a doubt that our foreign debt is to be paid fully; but some people in America have seriously contended, that the certificates and other evidences of our domestic debt, ought to be redeemed only at what they have cost the holder; for I must observe to you, that these certificates of domestic debt, having as yet no provision for the payment of principal or interest, and the original holders being mostly needy, have been sold at a very great discount. When I left America (July, 1784,) they sold, in different States, at from 15s. to 2s. 6d. in the pound; and any amount of them might then have been purchased. Hence some thought that full justice

would be done, if the public paid the purchasers of them what they actually paid for them, and interest on that. But this is very far from being a general opinion; a very great majority being firmly decided that they shall be paid fully. Were I the holder of any of them, I should not have the least fear of their full payment. There is also a difference between different species of certificates; some of them being receivable in taxes, others having the benefit of particular assurances, &c. Again, some of these certificates are for paper money debts. A deception here must be guarded against. Congress ordered all such to be re-settled by the depreciation tables, and a new certificate to be given in exchange for them, expressing their value in real money. But all have not yet been re-settled. In short, this is a science in which few in America are expert, and no person in a foreign country can be so. Foreigners should therefore be sure that they are well advised, before they meddle with them, or they may suffer. If you will reflect with what degree of success persons actually in America could speculate in the European funds, which rise and fall daily, you may judge how far those in Europe may do it in the American funds, which are more variable from a variety of causes.

I am not at all acquainted with Mr. Daniel Parker, farther than having once seen him in Philadelphia. He is of Massachusetts, I believe, and I am of Virginia. His circumstances are utterly unknown to me. I think there are few men in America, if there is a single one, who could command a hundred thousand pounds' sterling worth of these notes, at their real value. At their nominal amount, this might be done perhaps with twenty-five thousand pounds sterling, if the market price of them be as low as when I left America.

I am with very great respect, Gentlemen,
your most obedient humble servant,

TH: JEFFERSON.

LETTER LXXXII.

TO JOHN ADAMS.

Paris, July 31, 1785

DEAR SIR,

I was honored yesterday with yours of the 24th instant. When the first article of our instructions of May 7th, 1784, was under debate in Congress, it was proposed that neither party should make the other pay, in their ports, greater duties, than they paid in the ports of the other. One objection to this was, its impracticabi-

lity; another, that it would put it out of our power to lay such duties on alien importation as might encourage importation by natives. Some members, much attached to English policy, thought such a distinction should actually be established. Some thought the power to do it should be reserved, in case any peculiar circumstances should call for it, though under the present, or, perhaps, any probable circumstances, they did not think it would be good policy ever to exercise it. The footing *gentis amicissimæ* was therefore adopted, as you see in the instruction. As far as my enquiries enable me to judge, France and Holland make no distinction of duties between aliens and natives. I also rather believe that the other states of Europe make none, England excepted, to whom this policy, as that of her navigation act, seems peculiar. The question then is, should we disarm ourselves of the power to make this distincion against all nations, in order to purchase an exemption from the alien duties in England only; for if we put her importations on the footing of native, all other nations with whom we treat will have a right to claim the same. I think we should, because against other nations, who make no distinction in their ports between us and their own subjects, we ought not to make a distinction in ours. And if the English will agree, in like manner, to make none, we should, with equal reason, abandon the right as against them. I think all the world would gain, by setting commerce at perfect. liberty. I remember that when we were digesting the general form of our treaty, this proposition to put foreigners and natives on the same footing, was considered: and we were all three, Dr. Franklin as well as you and myself, in favor of it. We finally, however, did not admit it, partly from the objection you mention, but more still on account of our instructions. But though the English proclamation had appeared in America at the time of framing these instructions, I think its effect, as to alien duties, had not yet been experienced, and therefore was not attended to. If it had been noted in the debate, I am sure that the annihilation of our whole trade, would have been thought too great a price to pay for the reservation of a barren power, which a majority of the members did not propose ever to exercise, though they were willing to retain it. Stipulating for equal rights to foreigners and natives, we obtain more in foreign ports than our instructions required, and we only part with, in our own ports, a power of which sound policy would probably forever forbid the exercise. Add to this, that our treaty will be for a very short term, and if any evil be experienced under it, a reformation will soon be in our power. I am, therefore, for putting this among our original propositions to the court of London.

If it should prove an insuperable obstacle with them, or if it should stand in the way of a greater advantage, we can but abandon it in the course of the negotiation.

In my copy of the cypher, on the alphabetical side, numbers are wanting from 'Denmark' to 'disc' inclusive, and from 'gone' to 'governor' inclusive. I suppose them to have been omitted in copying; will you be so good as to send them to me from yours, by the first safe conveyance.

With compliments to the ladies and to Colonel Smith.

I am, Dear Sir,
your friend and servant,
TH: JEFFERSON.*

LETTER LXXXIII.

TO M. DE CASTRIES.

Paris, August 3, 1785.

SIR,

The enclosed copy of a letter from Captain John Paul Jones, on the subject on which your Excellency did me the honor to write me, on the day of July, will inform you that there is still occasion to be troublesome to you. A Mr. Puchilberg, a merchant of L'Orient, who seems to have kept himself unknown till money was to be received, now presents powers to receive it, signed by the American officers and crews: and this produces a hesitation in the person to whom your order was directed. Congress however, having substituted Captain Jones, as agent, to solicit and receive this money, he having given them security to forward it, when received, to their treasury, to be thence distributed to the claimants, and having at a considerable expense of time, trouble, and money, attended it to a conclusion, are circumstances of weight, against which Mr. Puchilberg seems to have nothing to oppose, but a nomination by individuals of the crew, under which he has declined to act, and permitted the business to be done by another without contradiction from him. Against him, too, it is urged that he fomented the sedition which took place among them; that he obtained this nomination from them while their minds were

[* The original of this letter was in cypher. But annexed to the copy in cypher, is the above literal copy by the Author.]

under ferment; and that he has given no security for the faithful payment of the money to those entitled to it.

I will add to these, one more circumstance which appears to render it impossible that he should execute this trust. It is now several years since the right to this money arose. The persons in whom it originally vested, were probably from different States in America. Many of them must be now dead; and their rights passed on to their representatives. But who are their representatives? The laws of some States prefer one degree of relations, those of others prefer another, there being no uniformity among the States on this point. Mr. Puchilberg, therefore, should know which of the parties are dead; in what order the laws of their respective States call their relations to the succession; and, in every case, which of those orders are actually in existence, and entitled to the share of the deceased. With the Atlantic ocean between the principals and their substitute, your Excellency will perceive what an inexhaustible source of difficulties, of chicanery, and delay, this might furnish to a person who should find an interest in keeping this money, as long as possible, in his own hands. Whereas, if it be lodged in the treasury of Congress, they, by an easy reference to the tribunals of the different States, can have every one's portion immediately rendered to himself, if living; and if dead, to such of his relations as the laws of his particular State prefer, and as shall be found actually living. I the rather urge this course, as I foresee that it will relieve your Excellency from numberless appeals, which these people will continually be making from the decisions of Mr. Puchilberg; appeals likely to perpetuate that trouble of which you have already had too much, and to which I am sorry to be obliged to add, by asking a peremptory order for the execution of what you were before pleased to decide, on this subject.

I have the honor to be, with sentiments of the most perfect respect, your Excellency's

most obedient and
most humble servant,
TH: JEFFERSON.

LETTER LXXXIV.

TO CAPTAIN JOHN PAUL JONES.

Paris, August 3, 1785.

SIR,

I received yesterday your favor of the 29th, and have written on the subject of it to the Marechal de Castries this morning. You shall have an answer as soon as I receive one. Will you be so good as to make an enquiry into all the circumstances relative to Peyrouse's expedition, which seem to ascertain his destination. Particularly what number of men, and of what conditions and vocations, had he on board? What animals, their species and number? What trees, plants or seeds? What utensils? What merchandise or other necessaries? This enquiry should be made with as little appearance of interest in it, as possible. Should you not be able to get satisfactory information without going to Brest, and it be inconvenient for you to go there, I will have the expenses, this shall occasion you, paid. Commit all the circumstances to writing, and bring them when you come yourself, or send them by a safe hand.

I am, with much respect, Sir,

your most obedient, humble servant,

TH: JEFFERSON.

LETTER LXXXV.

TO JOHN ADAMS.

Paris, August 6, 1785.

DEAR SIR,

I now enclose you a draught of a treaty for the Barbary States, together with the notes Dr. Franklin left me. I have retained a press copy of this draught, so that by referring to any article, line and word, in it, you can propose amendments, and send them by the post, without any body's being able to make much of the main subject. I shall be glad to receive any alterations you may think necessary, as soon as convenient, that this matter may be in readiness. I enclose also a letter containing intelligence from Algiers. I know not how far it is to be relied on. My anxiety is extreme indeed, as to these treaties. We know that Congress have decided ultimately to treat. We know how far they will go. But

unfortunately we know also, that a particular person has been charged with instructions for us, these five months, who neither comes nor writes to us. What are we to do? It is my opinion, that if Mr. Lambe does not come in either of the packets (English or French) now expected, we ought to proceed. I therefore propose to you this term, as the end of our expectations of him, and that if he does not come, we send some other person. Dr. Bancroft or Captain Jones occurs to me as the fittest. If we consider the present object only, I think the former would be the most proper: but if we look forward to the very probable event of war with those pirates, an important object would be obtained by Captain Jones' becoming acquainted with their ports, force, tactics, &c. Let me know your opinion on this. I have never mentioned it to either, but I suppose either might be induced to go. Present me affectionately to the ladies and Colonel Smith, and be assured of the sincerity with which I am,

Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER LXXXVI.

TO DR. PRICE.

Paris, August 7, 1785.

SIR,

Your favor of July the 2nd came duly to hand. The concern you therein express as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject.

From my acquaintance with that country, I think I am able to judge, with some degree of certainty, of the manner in which it will have been received. Southward of the Chesapeake, it will find but few readers concurring with it in sentiment, on the subject of slavery. From the mouth to the head of the Chesapeake, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice; a minority, which for weight and worth of character, preponderates against the greater number, who have not the courage to divest their families of a property, which, however, keeps their consciences unquiet. Northward of the Chesapeake, you may find, here and there, an opponent to your doctrine, as you may find, here and there, a robber and murderer; but in no greater number. In that part of America, there being but few slaves, they can easily disencumber

themselves of them; and emancipation is put into such a train, that in a few years there will be no slaves northward of Maryland. In Maryland, I do not find such a disposition to begin the redress of this enormity, as in Virginia. This is the next State to which we may turn our eyes for the interesting spectacle of justice, in conflict with avarice and oppression: a conflict wherein the sacred side is gaining daily recruits, from the influx into office of young men grown, and growing up. These have sucked in the principles of liberty, as it were, with their mother's milk; and it is to them I look with anxiety to turn the fate of this question. Be not therefore discouraged. What you have written will do a great deal of good: and could you still trouble yourself with our welfare, no man is more able to give aid to the laboring side. The College of William & Mary, in Williamsburg, since the re-modelling of its plan, is the place where are collected together all the young men of Virginia, under preparation for public life. They are there under the direction (most of them) of a Mr. Wythe, one of the most virtuous of characters, and whose sentiments on the subject of slavery are unequivocal. I am satisfied, if you could resolve to address an exhortation to those young men, with all that eloquence of which you are master, that its influence on the future decision of this important question would be great, perhaps decisive. Thus you see, that, so far from thinking you have cause to repent of what you have done, I wish you to do more, and wish it, on an assurance of its effect. The information I have received from America, of the reception of your pamphlet in the different States, agrees with the expectations I had formed.

Our country is getting into a ferment against yours, or rather has caught it from yours. God knows how this will end; but assuredly in one extreme or the other. There can be no medium between those who have loved so much. I think the decision is in your power as yet, but will not be so long.

I pray you to be assured of the sincerity of the esteem and respect, with which I have the honor to be, Sir,

your most obedient

humble servant,

TH: JEFFERSON.

LETTER LXXXVII.

TO JOHN ADAMS.

Paris, August 10, 1785.

DEAR SIR,

Your favor of the 4th instant, came to hand yesterday. I now enclose you the two *Arrets* against the importation of foreign manufactures into this kingdom. The cause of the balance against this country, in favor of England, as well as its amount, is not agreed on. No doubt, the rage for English manufactures must be a principal cause. The speculators in exchange, say also, that those of the circumjacent countries who have a balance in their favor, against France, remit that balance to England from France. If so, it is possible that the English may count this balance twice: that is, in summing their exports to one of these States, and their imports from it, they count the difference once in their favor; then, a second time, when they sum the remittances of cash they receive from France. There has been no *Arret* relative to our commerce, since that of August, 1784. And all the late advices from the French West Indies, are, that they have now in their ports, always three times as many vessels as there ever were before, and that the increase is principally from our States. I have now no further fears of that *Arret's* standing its ground. When it shall become firm, I do not think its extension desperate. But whether the placing it on the firm basis of treaty be practicable, is a very different question. As far as it is possible to judge from appearances, I conjecture that Crawford will do nothing. I infer this from some things in his conversation, and from an expression of the Count de Vergennes, in a conversation with me yesterday. I pressed upon him the importance of opening their ports freely to us, in the moment of the oppressions of the English regulations against us, and perhaps, of the suspension of their commerce. He admited it; but said we had free ingress with our productions. I enumerated them to him, and shewed him on what footing they were, and how they might be improved. We are to have further conversations on the subject. I am afraid the voyage to Fontainebleau will interrupt them. From the inquiries I have made, I find I cannot get a very small and indifferent house there, for the season, (that is, for a month) for less than one hundred or one hundred and fifty guineas. This is nearly the whole salary for the time, and would leave nothing to eat. I therefore cannot accompany the court thither, but I will endeavor to go there occasionally from Paris. They tell

me it is the most favorable scene for business with the Count de Vergennes, because he is then more abstracted from the domestic applications. Count d'Aranda is not yet returned from the waters of Vichy. As soon as he returns, I will apply to him in the case of Mr. Watson. I will pray you to insure Houdon's life from the 27th of last month till his return to Paris. As he was to stay in America a month or two, he will probably be about six months absent: but the three per cent. for the voyage being once paid, I suppose they will insure his life by the month, whether his absence be longer or shorter. The sum to be insured is fifteen thousand livres tournois. If it be not necessary to pay the money immediately, there is a prospect of exchange becoming more favorable. But whenever it is necessary, be so good as to procure it by selling a draft on Mr. Grand, which I will take care shall be honored. With compliments to the ladies,

I am, Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER LXXXVIII.

TO MRS. SPROWLE.

Paris, August 10, 1785.

MADAM,

In your letter of June the 21st, you asked my opinion whether yourself or your son, might venture to go to Virginia, to claim your possessions there? I had the honor of writing you, on the 5th of July, that you might safely go there; that your person would be sacredly safe, and free from insult. I expressed my hopes, too, that the Assembly of Virginia would, in the end, adopt the just and useful measure of restoring property unsold, and the price of that actually sold. In your's of July the 30th, you 'entreat my influence with the Assembly for retribution, and that if I think your personal presence in Virginia would facilitate that end, you were willing and ready to go.' This seems to propose to me to take on myself the solicitation of your cause, and that you will go, if I think your personal presence will be auxiliary to my applications. I feel myself obliged to inform you, frankly, that it is improper for me to solicit your case with the Assembly of Virginia. The application can only go with propriety from yourself, or the minister of your court to America, whenever there shall be one. If you think the sentiments expressed in my former letter will serve you, you are free to exhibit it to members individually; but I wish the letter not

to be offered to the Assembly as a body, or referred to in any petition or memorial to them.

I am, with much respect, Madam,
your most obedient humble servant,
TH: JEFFERSON.

LETTER LXXXIX.

TO CAPTAIN JOHN PAUL JONES.

Paris, August 13, 1785.

SIR,

Supposing you may be anxious to hear from hence, though there should be nothing interesting to communicate, I write by Mr. Cairnes merely to inform you, that I have, as yet, received no answer from the Marechal de Castries. I am in daily expectation of one. Should it not be received soon, I shall urge it again, which I wish to avoid however, if possible; because I think it better to await with patience a favorable decision, than, by becoming importunate, to produce unfavorable dispositions, and perhaps a final determination of the same complexion. Should my occupations prevent my writing awhile, be assured that it will only be as long as I have nothing to communicate, and that as soon as I receive any answer, it shall be forwarded to you.

I am, with much esteem, Sir,
your most obedient humble servant,
TH: JEFFERSON.

LETTER XC.

TO MESSRS. BUCHANAN AND HAY.

Paris, August 13, 1785.

GENTLEMEN,

Your favor of March the 20th, came to hand the 14th of June, and the next day I wrote to you, acknowledging the receipt, and apprising you, that between that date and the 1st of August, it would be impossible to procure, and get to your hands the draughts you desired. I did hope, indeed, to have had them prepared before this, but it will yet be some time before they will be in readiness. I flatter myself, however, they will give you satisfaction when you

receive them, and that you will think the object will not have lost by the delay. It was a considerable time before I could find an architect, whose taste had been formed on a study of the antient models of this art: the style of architecture in this Capital, being far from chaste. I at length heard of one, to whom I immediately addressed myself, and who perfectly fulfills my wishes. He has studied twenty years in Rome, and has given proofs of his skill and taste, by a publication of some antiquities of this country. You intimate that you should be willing to have a workman sent to you, to superintend the execution of this work. Were I to send one on this errand, from hence, he would consider himself as the superintendant of the Directors themselves, and probably, of the government of the State also. I will give you my ideas on this subject. The columns of the building, and the external architraves of the doors and windows, should be of stone. Whether these are made here, or there, you will need one good stone-cutter, and one will be enough; because, under his direction, negroes who never saw a tool, will be able to prepare the work for him to finish. I will therefore send you such a one, in time to begin work in the spring. All the internal cornices, and other ornaments not exposed to the weather, will be much handsomer, cheaper, and more durable in plaister than in wood. I will therefore employ a good workman in this way, and send him to you. But he will have no employment till the house is covered; of course, he need not be sent till next summer. I will take him on wages so long beforehand, as that he may draw all the ornaments in detail, under the eye of the architect, which he will have to execute when he comes to you. It will be the cheapest way of getting them drawn, and the most certain of putting him in possession of his precise duty. Plaister will not answer for your external cornice, and stone will be too dear. You will probably find yourselves obliged to be contented with wood. For this, therefore, and for your window sashes, doors, frames, wainscoting, &c. you will need a capital house-joiner; and a capital one he ought to be, capable of directing all the circumstances in the construction of the walls, which the execution of the plan will require. Such a workman cannot be got here. Nothing can be worse done than the house-joinery of Paris. Besides that his speaking the language perfectly would be essential, I think this character must be got from England. There are no workmen in wood, in Europe, comparable to those of England. I submit to you, therefore, the following proposition: to wit, I will get a correspondent in England to engage a workman of this kind. I will direct him to come here, which will cost five guineas. We will make proof of his execution. He shall also

make, under the eye of the architect, all the drawings for the building, which he is to execute himself: and, if we find him sober and capable, he shall be forwarded to you. I expect, that in the article of the drawings, and the cheapness of passage from France, you will save the expense of his coming here. But as to this workman, I shall do nothing unless I receive your commands. With respect to your stone work, it may be got much cheaper here than in England. The stone of Paris is very white and beautiful; but it always remains soft, and suffers from the weather. The cliffs of the Seine, from hence to Havre, are all of stone. I am not yet informed whether it is all liable to the same objections. At Lyons, and all along the Rhone, is a stone as beautiful as that of Paris, soft when it comes out of the quarry, but very soon becoming hard in the open air, and very durable. I doubt, however, whether the commerce between Virginia and Marseilles would afford opportunities of conveyance sufficient. It remains to be inquired, what addition to the original cost would be made by the short land carriage from Lyons to the Loire, and the water transportation down that to Bourdeaux; and also, whether a stone of the same quality may not be found on the Loire. In this, and all other matters relative to your charge, you may command my services freely.

Having heard high commendations of a plan of a prison, drawn by an architect at Lyons, I sent there for it. The architect furnished me with it. It is certainly the best plan I ever saw. It unites in the most perfect manner, the objects of security and health, and has, moreover, the advantage, valuable to us, of being capable of being adjusted to any number of prisoners, small or great, and admitting an execution from time to time, as it may be convenient. The plan is under preparation as for forty prisoners. Will you have any occasion for slate? It may be got very good and ready prepared at Havre; and a workman or more, might be sent on easy terms. Perhaps the quarry at Tuckahoe would leave you no other want than that of a workman.

I shall be glad to receive your sentiments on the several matters herein mentioned, that I may know how far you approve of them, as I shall with pleasure pursue strictly whatever you desire. I have the honor to be, with great respect and esteem, Gentlemen,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER XCI.

TO JOHN JAY.

Paris, August 14, 1785.

SIR,

I was honored, on the 22nd ultimo, with the receipt of your letter of June the 15th; and delivered the letter therein enclosed, from the President of Congress to the King. I took an opportunity of asking the Count de Vergennes, whether the Chevalier Luzerne proposed to return to America? He answered me that he did; and that he was here, for a time only, to arrange his private affairs. Of course, this stopped my proceeding further, in compliance with the hint in your letter. I knew that the Chevalier Luzerne still retained the character of minister to Congress, which occasioned my premising the question I did. But, notwithstanding the answer, which indeed was the only one the Count de Vergennes could give me, I believe it is not expected that the Chevalier will return to America: that he is waiting an appointment here, to some of their embassies, or some other promotion, and in the mean time, as a favor, is permitted to retain his former character. Knowing the esteem borne him in America, I did not suppose it would be wished, that I should add any thing which might occasion an injury to him; and the rather, as I presumed that at this time, there did not exist the same reason for wishing the arrival of a minister in America, which, perhaps, existed there at the date of your letter. Count Adhemar is just arrived from London, on account of a paralytic disease with which he has been struck. It does not seem improbable, that his place will be supplied, and perhaps by the Chevalier de la Luzerne.

A French vessel has lately refused the salute to a British armed vessel in the channel. The chargé des affaires of Great Britain, at this court, (their ambassador having gone to London a few days ago,) made this the subject of a conference with the Count de Vergennes, on Tuesday last. He told me that the Count explained the transaction, as the act of the individual master of the French vessel, not founded in any public orders. His earnestness, and his endeavors to find terms sufficiently soft to express the Count's explanation, had no tendency to lessen any doubts I might have entertained on this subject. I think it possible the refusal may have been by order: nor can I believe that Great Britain is in a condition to resent it, if it was so. In this case, we shall see it repeated by France; and her example will then be

soon followed by other nations. The news writers bring together this circumstance, with the departure of the French ambassador from London, and the English ambassador from Paris, the maneuvring of a French fleet just off the channel, the collecting some English vessels of war in the channel, the failure of a commercial treaty between the two countries, and a severe *Arret* here against English manufactures, as foreboding war. It is possible that the fleet of maneuvre, the refusal of the salute, and the English fleet of observation, may have a connection with one another. But I am persuaded the other facts are totally independent of these, and of one another, and are accidentally brought together in point of time. Neither nation is in a condition to go to war: Great Britain, indeed, the least so of the two. The latter power, or rather its monarch, as Elector of Hanover, has lately confederated with the King of Prussia and others of the Germanic body, evidently in opposition to the Emperor's designs on Bavaria. An alliance, too, between the Empress of Russia and the republic of Venice, seems to have had him in view, as he had meditated some exchange of territory with that republic. This desertion of the powers heretofore thought friendly to him, seems to leave no issue for his ambition, but on the side of Turkey. His demarkation with that country is still unsettled. His difference with the Dutch is certainly agreed. The articles are not yet made public; perhaps not quite adjusted. Upon the whole, we may count on another year's peace in Europe, and that our friends will not, within that time, be brought into any embarrassments, which might encourage Great Britain to be difficult in settling the points still unsettled between us.

You have, doubtless, seen in the papers, that this court was sending two vessels into the south sea, under the conduct of a Captain Peyrouse. They give out, that the object is merely for the improvement of our knowledge of the geography of that part of the globe. And certain it is, that they carry men of eminence in different branches of science. Their loading, however, as detailed in conversations, and some other circumstances, appeared to me to indicate some other design: perhaps that of colonising on the western coast of America; or, it may be, only to establish one or more factories there, for the fur trade. Perhaps we may be little interested in either of these objects. But we are interested in another, that is, to know whether they are perfectly weaned from the desire of possessing continental colonies in America. Events might arise, which would render it very desirable for Congress to be satisfied they have no such wish. If they would desire a colony on the western side of America, I should not be quite

satisfied that they would refuse one which should offer itself on the eastern side. Captain Paul Jones being at L'Orient, within a day's journey of Brest, where Captain Peyrouse's vessels lay, I desired him, if he could not satisfy himself at L'Orient of the nature of this equipment, to go to Brest for that purpose: conducting himself, so as to excite no suspicion that we attended at all to this expedition. His discretion can be relied on, and his expenses for so short a journey, will be a trifling price for satisfaction on this point. I hope, therefore, that my undertaking that the expenses of his journey shall be reimbursed him, will not be disapproved.

A gentleman, lately arrived from New York, tells me, he thinks it will be satisfactory to Congress, to be informed of the effect produced here by the insult of Longchamps on Monsieur de Marbois. Soon after my arrival in France last summer, it was the matter of a conversation between the Count de Vergennes and myself. I explained to him the effect of the judgment against Longchamps. He did not say that it was satisfactory, but neither did he say a word from which I could collect that it was not so. The conversation was not official, because foreign to the character in which I then was. He has never mentioned a word on the subject to me since, and it was not for me to introduce it at any time. I have never once heard it mentioned in conversation, by any person of this country, and have no reason to suppose that there remains any uneasiness on the subject. I have indeed been told, that they had sent orders to make a formal demand of Longchamps from Congress, and had immediately countermanded these orders. You know whether this be true. If it be, I should suspect the first orders to have been surprised from them by some exaggeration, and that the latter was a correction of their error, in the moment of further reflection. Upon the whole, there certainly appears to me no reason to urge the State, in which the fact happened, to any violation of their laws, nor to set a precedent, which might hereafter be used in cases more interesting to us than the late one.

In a late conversation with the Count de Vergennes, he asked me if the condition of our finances was improving. He did not make an application of the question to the arrearages of their interest, though perhaps, he meant that I should apply it. I told him the impost still found obstacles, and explained to him the effects which I hoped from our land office. Your letter of the 15th of April, did not come to hand till the 27th ultimo. I enclose a letter from Mr. Dumas to the President of Congress, and accompany

the present with the Leyden Gazette and Gazette of France, from the date last sent you to the present time.

I have the honor to be, with high esteem, Sir,
your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER XCII.

TO THE COUNT DE VERGENNES.

Paris, August 15, 1785.

SIR,

In the conversation which I had the honor of having with your Excellency, a few days ago, on the importance of placing, *at this time*, the commerce between France and America on the best footing possible, among other objects of this commerce, that of tobacco was mentioned, as susceptible of greater encouragement and advantage to the two nations. Always distrusting what I say in a language I speak so imperfectly, I will beg your permission to state, in English, the substance of what I had then the honor to observe, adding some more particular details for your consideration.

I find the consumption of tobacco in France, estimated at from fifteen to thirty millions of pounds. The most probable estimate, however, places it at twenty-four millions.

This costing eight sous the pound, delivered in a port of France, amounts to	9,600,000 livres.
Allow six sous a pound, as the average cost of the different manufactures	7,200,000
The revenue which the King derives from this, is something less than	30,000,000
Which would make the cost of the whole	46,800,000
But it is sold to the consumers at an average of three livres the pound	72,000,000
There remain then for the expenses of collection	25,200,000 livres.

This is within a sixth as much as the King receives, and so gives nearly one half for collecting the other. It would be presumption in me, a stranger, to suppose my numbers perfectly accurate. I have taken them from the best and most disinterested authorities

I could find. Your Excellency will know how far they are wrong; and should you find them considerably wrong, yet I am persuaded you will find, after strictly correcting them, that the collection of this branch of the revenue still absorbs too much.

My apology for making these remarks, will, I hope, be found in my wishes to improve the commerce between the two nations, and the interest which my own country will derive from this improvement. The monopoly of the purchase of tobacco in France, discourages both the French and American merchant from bringing it here, and from taking in exchange the manufactures and productions of France. It is contrary to the spirit of trade, and to the dispositions of merchants, to carry a commodity to any market where but one person is allowed to buy it, and where, of course, that person fixes its price, which the seller must receive, or reexport his commodity, at the loss of his voyage thither. Experience accordingly shews, that they carry it to other markets, and that they take in exchange the merchandise of the place where they deliver it. I am misinformed, if France has not been furnished from a neighboring nation with considerable quantities of tobacco, since the peace, and been obliged to pay there in coin, what might have been paid here in manufactures, had the French and American merchants brought the tobacco originally here. I suppose, too, that the purchases made by the Farmers General, in America, are paid for chiefly in coin, which coin is also remitted directly hence to England, and makes an important part of the balance supposed to be in favor of that nation against this. Should the Farmers General, by themselves, or by the company to whom they may commit the procuring these tobaccos from America, require, for the satisfaction of government on this head, the exportation of a proportion of merchandise in exchange for them, it would be an unpromising expedient. It would only commit the exports, as well as imports, between France and America, to a monopoly, which, being secure against rivals in the sale of the merchandise of France, would not be likely to sell at such moderate prices as might encourage its consumption there, and enable it to bear a competition with similar articles from other countries. I am persuaded this exportation of coin may be prevented, and that of commodities effected, by leaving both operations to the French and American merchants, instead of the Farmers General. They will import a sufficient quantity of tobacco, if they are allowed a perfect freedom in the sale; and they will receive in payment, wines, oils, brandies, and manufactures, instead of coin; forcing each other, by their competition, to bring tobaccos of the best quality; to give to the French manufacturer the full worth of his merchandise; and to sell

to the American consumer at the lowest price they can afford; thus encouraging him to use, in preference, the merchandise of this country.

It is not necessary that this exchange should be favored by any loss of revenue to the King. I do not mean to urge any thing which shall injure either his Majesty or his people. On the contrary, the measure I have the honor of proposing, will increase his revenue, while it places both the seller and buyer on a better footing. It is not for me to say, what system of collection may be best adapted to the organization of this government; nor, whether any useful hints may be taken from the practice of that country, which has heretofore been the principal entrepôt for this commodity. Their system is simple and little expensive. The importer, there, pays the whole duty to the King: and as this would be inconvenient for him to do, before he has sold his tobacco, he is permitted, on arrival, to deposite it in the King's warehouse, under the locks of the King's officer. As soon as he has sold it, he goes with the purchaser to the warehouse, the money is there divided between the King and him, to each his proportion, and the purchaser takes out the tobacco. The payment of the King's duty is thus ensured in ready money. What is the expense of its collection, I cannot say; but it certainly need not exceed six livres a hogshead of one thousand pounds. That government levies a higher duty on tobacco than is levied here. Yet so tempting and so valuable is the perfect liberty of sale, that the merchant carries it there, and finds his account in doing so.

If, by a simplification of the collection of the King's duty on tobacco, the cost of that collection can be reduced even to five per cent., or a million and a half, instead of twenty-five millions; the price to the consumer will be reduced from three to two livres the pound. For thus I calculate.

The cost, manufacture and revenue, on twenty-four million pounds of tobacco being (as before stated)	46,800,000 livres.
Five per cent. on thirty millions of livres, expenses of collection	1,500,000
Give what the consumers would pay, being about two livres a pound	48,300,000
But they pay at present three livres a pound	72,000,000
The difference is	23,700,000

The price being thus reduced one third, would be brought within the reach of a new and numerous circle of the people, who cannot, at present, afford themselves this luxury. The consumption,

then, would probably increase, and perhaps in the same if not a greater proportion, with the reduction of the price; that is to say, from twenty-four to thirty-six millions of pounds: and the King, continuing to receive twenty-five sous on the pound, as at present, would receive forty-five instead of thirty millions of livres, while his subjects would pay but two livres for an object which has heretofore cost them three. Or if, in event, the consumption were not to be increased, he would levy only forty-eight millions on his people, where seventy-two millions are now levied, and would leave twenty-four millions in their pockets, either to remain there, or to be levied in some other form, should the state of revenue require it. It will enable his subjects, also, to dispose of between nine and ten millions worth of their produce and manufactures, instead of sending nearly that sum annually, in coin, to enrich a neighboring nation.

I have heard two objections made to the suppression of this monopoly. 1. That it might increase the importation of tobacco in contraband. 2. That it would lessen the abilities of the Farmers General, to make occasional loans of moneyto the public treasury. These objections will surely be better answered by those who are better acquainted than I am, with the details and circumstances of the country. With respect to the first, however, I may observe, that contraband does not increase on lessening the temptations to it. It is now encouraged, by those who engage in it being able to sell for sixty sous what cost but fourteen, leaving a gain of forty-six sous. When the price shall be reduced from sixty to forty sous, the gain will be but twenty-six, that is to say, a little more than one half of what it is at present. It does not seem a natural consequence, then, that contraband should be increased, by reducing its gain nearly one half. As to the second objection, if we suppose (for elucidation and without presuming to fix) the proportion of the farm on tobacco, at one eighth of the whole mass farmed, the abilities of the Farmers General to lend, will be reduced one eighth, that is, they can hereafter lend only seven millions, where heretofore they have lent eight. It is to be considered, then, whether this eighth (or other proportion, whatever it be) is wōrth the annual sacrifice of twenty-four millions, or if a much smaller sacrifice to other monied men, will not produce the same loans of money in the ordinary way.

While the advantages of an increase of revenue to the crown, a diminution of impost on the people, and a payment in merchandise, instead of money, are conjectured as likely to result to France from a suppression of the monopoly on tobacco, we have also reason to hope some advantages on our part; and this hope alone, could

justify my entering into the present details. I do not expect this advantage will be by an augmentation of price. The other markets of Europe have too much influence on this article, to admit any sensible augmentation of price to take place. But the advantage I principally expect, is an increase of consumption. This will give us a vent for so much more, and, of consequence, find employment for so many more cultivators of the earth: and in whatever proportion it increases this production for us, in the same proportion will it procure additional vent for the merchandise of France, and employment for the hands which produce it. I expect too, that by bringing our merchants here, they would procure a number of commodities in exchange, better in kind, and cheaper in price. It is with sincerity I add, that warm feelings are indulged in my breast by the further hope, that it would bind the two nations still closer in friendship, by binding them in interest. In truth, no two countries are better calculated for the exchanges of commerce. France wants rice, tobacco, potash, furs, and ship timber. We want wines, brandies, oils, and manufactures. There is an affection too, between the two people, which disposes them to favor one another. If they do not come together, then, to make the exchange in their own ports, it shews there is some substantial obstruction in the way. We have had the benefit of too many proofs of his Majesty's friendly disposition towards the United States, and know too well his affectionate care of his own subjects, to doubt his willingness to remove these obstructions, if they can be unequivocally pointed out. It is for his wisdom to decide, whether the monopoly, which is the subject of this letter, be deservedly classed with the principal of these. It is a great comfort to me too, that in presenting this to the mind of his Majesty, your Excellency will correct my ideas where an insufficient knowledge of facts may have led me into error; and that while the interests of the King and of his people are the first object of your attention, an additional one will be presented by those dispositions towards us, which have heretofore so often befriended our nation.

I avail myself of this occasion to repeat the assurance of that high respect and esteem, with which I have the honor to be,

your Excellency's

most obedient and

most humble servant,

TH: JEFFERSON.

LETTER XCIII.

TO CAPTAIN JOHN PAUL JONES.

Paris, August 17, 1785.

SIR,

Mine of the 13th, informed you that I had written to the M. de Castries on the subject of Puchilberg's interference. Yesterday I received his answer dated the 12th. In that, he says that he is informed by the Ordonneteur, that he has not been able to get an authentic roll of the crew of the Alliance, and that, in the probable case of there having been some French subjects among them, it will be just that you should give security to repay their portions. I wrote to him this morning, that as you have obliged yourself to transmit the money to the treasury of the United States, it does not seem just to require you to be answerable for money which will be no longer within your power; that the repayment of such portions will be incumbent on Congress; that I will immediately solicit their orders to have all such claims paid by their banker here; and that should any be presented before I receive their orders, I will undertake to direct the banker of the United States to pay them, that there may be no delay. I trust that this will remove the difficulty, and that it is the last which will be offered. The ultimate answer shall be communicated the moment I receive it. Having pledged myself for the claims which may be offered, before I receive the orders of Congress, it is necessary to arm myself with the proper checks. Can you give me a roll of the crew, pointing out the French subjects? If not, can you recollect personally the French subjects, and name them to me, and the sums they are entitled to? If there were none such, yet the roll will be material, because I have no doubt that Puchilberg will excite claims upon me, either true or false.

I am, with much respect, Sir,
your most obedient humble servant,
TH: JEFFERSON.

LETTER XCIV.

TO WILLIAM CARMICHAEL.

Paris, August 18, 1785.

DEAR SIR,

My last to you was of June the 22nd, with a postscript of July the 14th. Yours of June the 27th, came to hand the 23rd of July, and that of July the 28th, came to hand the 10th instant. The papers enclosed in the last shall be communicated to Mr. Adams. I see with extreme satisfaction and gratitude, the friendly interposition of the court of Spain with the Emperor of Morocco, on the subject of the brig Betsy, and I am persuaded it will produce the happiest effects in America. Those who are entrusted with the public affairs there, are sufficiently sensible how essentially it is for our interest to cultivate peace with Spain, and they will be pleased to see a corresponding disposition in that court. The late good office of emancipating a number of our countrymen from slavery, is peculiarly calculated to produce a sensation among our people, and to dispose them to relish and adopt the pacific and friendly views of their leaders, towards Spain. We hear nothing yet of Mr. Lambe. I have therefore lately proposed to Mr. Adams, that if he does not come in the French or English packet of this month, we will wait no longer. If he accedes to the proposition, you will be sure of hearing of, and perhaps of seeing some agent proceeding on that business. The immense sum said to have been proposed, on the part of Spain, to Algiers, leaves us little hope of satisfying their avarice. It may happen then, that the interests of Spain and America may call for a concert of proceedings against that State. The dispositions of the Emperor of Morocco, give us better hopes there. May not the affairs of the Musquito coast, and our western ports, produce another instance of a common interest? Indeed, I meet this correspondence of interest in so many quarters, that I look with anxiety to the issue of Mr. Gardoqui's mission; hoping it will be a removal of the only difficulty at present subsisting between the two nations, or which is likely to arise.

Congress are not likely to adjourn this summer. They have purchased the Indian right of soil to about fifty millions of acres of land, between the Ohio and lakes, and expected to make another purchase of an equal quantity. They have, in consequence, passed an ordinance for disposing of their lands, and I think a very judicious one. They propose to sell them at auction, for not

less than a dollar an acre, receiving their own certificates of debt as money. I am of opinion all the certificates of our domestic debt will immediately be exchanged for land. Our foreign debt, in that case, will soon be discharged. New York and Rhode Island still refuse the impost. A general disposition is taking place to commit the whole management of our commerce to Congress. This has been much promoted by the interested policy of England, which, it was apparent, could not be counter-worked by the States separately. In the mean time, the other great towns are acceding to the proceedings of Boston for annihilating, in a great measure, their commercial connections with Great Britain. I will send the cypher by a gentleman who goes from here to Madrid about a month hence. It shall be a copy of the one I gave Mr. Adams. The letter of Don Gomez, has been delivered at the hotel of the Portuguese ambassador, who is, however, in the country.

I am with much respect, Dear Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER XCV.

TO PETER CARR.

Paris, August 19, 1785.

DEAR PETER,

I received, by Mr. Mazzei, your letter of April the 20th. I am much mortified to hear that you have lost so much time; and that when you arrived in Williamsburg, you were not at all advanced from what you were when you left Monticello. Time now begins to be precious to you. Every day you lose, will retard a day your entrance on that public stage whereon you may begin to be useful to yourself. However, the way to repair the loss is to improve the future time. I trust, that with your dispositions, even the acquisition of science is a pleasing employment. I can assure you, that the possession of it is, what (next to an honest heart) will above all things render you dear to your friends, and give you fame and promotion in your own country. When your mind shall be well improved with science, nothing will be necessary to place you in the highest points of view, but to pursue the interests of your country, the interests of your friends, and your own interests also, with the purest integrity, the most chaste honor. The defect of these virtues can never be made up by all the other acquirements of body and mind. Make these then your first object. Give up

money, give up fame, give up science, give the earth itself and all it contains, rather than do an immoral act. And never suppose, that in any possible situation, or under any circumstances, it is best for you to do a dishonorable thing, however slightly so it may appear to you. Whenever you are to do a thing, though it can never be known but to yourself, ask yourself how you would act were all the world looking at you, and act accordingly. Encourage all your virtuous dispositions, and exercise them whenever an opportunity arises; being assured that they will gain strength by exercise, as a limb of the body does, and that exercise will make them habitual. From the practice of the purest virtue, you may be assured you will derive the most sublime comforts in every moment of life, and in the moment of death. If ever you find yourself environed with difficulties and perplexing circumstances, out of which you are at a loss how to extricate yourself, do what is right, and be assured that that will extricate you the best out of the worst situations. Though you cannot see, when you take one step, what will be the next, yet follow truth, justice, and plain dealing, and never fear their leading you out of the labyrinth, in the easiest manner possible. The knot which you thought a Gordian one, will untie itself before you. Nothing is so mistaken as the supposition, that a person is to extricate himself from a difficulty, by intrigue, by chicanery, by dissimulation, by trimming, by an untruth, by an injustice. This increases the difficulties ten fold; and those who pursue these methods, get themselves so involved at length, that they can turn no way but their infamy becomes more exposed. It is of great importance to set a resolution, not to be shaken, never to tell an untruth. There is no vice so mean, so pitiful, so contemptible; and he who permits himself to tell a lie once, finds it much easier to do it a second and third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

An honest heart being the first blessing, a knowing head is the second. It is time for you now to begin to be choice in your reading; to begin to pursue a regular course in it; and not to suffer yourself to be turned to the right or left by reading any thing out of that course. I have long ago digested a plan for you, suited to the circumstances in which you will be placed. This I will detail to you, from time to time, as you advance. For the present, I advise you to begin a course of antient history, reading every thing in the original and not in translations. First read Goldsmith's history of Greece. This will give you a digested view of that field. Then take up antient history in the detail, reading the following

books, in the following order: Herodotus, Thucydides, Xenophontis Hellenica, Xenophontis Anabasis, Arrian, Quintus Curtius, Diodorus Siculus, Justin. This shall form the first stage of your historical reading, and is all I need mention to you now. The next, will be of Roman history.* From that, we will come down to modern history. In Greek and Latin poetry, you have read or will read at school, Virgil, Terence, Horace, Anacreon, Theocritus, Homer, Euripides, Sophocles. Read also Milton's Paradise Lost, Shakspeare, Ossian, Pope's and Swift's works, in order to form your style in your own language. In morality, read Epictetus, Xenophontis Memorabilia, Plato's Socratic dialogues, Cicero's philosophies, Antoninus, and Seneca. In order to assure a certain progress in this reading, consider what hours you have free from the school and the exercises of the school. Give about two of them, every day, to exercise; for health must not be sacrificed to learning. A strong body makes the mind strong. As to the species of exercise, I advise the gun. While this gives a moderate exercise to the body, it gives boldness, enterprise, and independence to the mind. Games played with the ball, and others of that nature, are too violent for the body, and stamp no character on the mind. Let your gun therefore be the constant companion of your walks. Never think of taking a book with you. The object of walking is to relax the mind. You should therefore not permit yourself even to think while you walk; but divert your attention by the objects surrounding you. Walking is the best possible exercise. Habituate yourself to walk very far. The Europeans value themselves on having subdued the horse to the uses of man; but I doubt whether we have not lost more than we have gained, by the use of this animal. No one has occasioned so much, the degeneracy of the human body. An Indian goes on foot nearly as far in a day, for a long journey, as an enfeebled white does on his horse; and he will tire the best horses. There is no habit you will value so much as that of walking far without fatigue. I would advise you to take your exercise in the afternoon: not because it is the best time for exercise, for certainly it is not; but because it is the best time to spare from your studies; and habit will soon reconcile it to health, and render it nearly as useful as if you gave to that the more precious hours of the day. A little walk of half an hour, in the morning, when you first rise, is advisable also. It shakes off sleep, and produces other good effects in the animal economy. Rise at a fixed and an early hour, and go to bed at a fixed and early hour also. Sitting up late at night is injurious to

* Livy, Sullust, Cæsar, Cicero's epistles, Suetonius, Tacitus, Gibbon.

the health, and not useful to the mind. Having ascribed proper hours to exercise, divide what remain, (I mean of your vacant hours) into three portions. Give the principal to History, the other two, which should be shorter, to Philosophy and Poetry. Write to me once every month or two, and let me know the progress you make. Tell me in what manner you employ every hour in the day. The plan I have proposed for you is adapted to your present situation only. When that is changed, I shall propose a corresponding change of plan. I have ordered the following books to be sent to you from London, to the care of Mr. Madison. Herodotus, Thucydides, Xenophon's Hellenics, Anabasis and Memorabilia, Cicero's works, Baretti's Spanish and English Dictionary, Martin's Philosophical Grammar, and Martin's Philosophia Britannica. I will send you the following from hence. Bezout's Mathematics, De la Lande's Astronomy, Muschenbrock's Physics, Quintus Curtius, Justin, a Spanish Grammar, and some Spanish books. You will observe that Martin, Bezout, De la Lande, and Muschenbrock are not in the preceding plan. They are not to be opened till you go to the University. You are now, I expect, learning French. You must push this; because the books which will be put into your hands when you advance into Mathematics, Natural philosophy, Natural history, &c. will be mostly French, these sciences being better treated by the French than the English writers. Our future connection with Spain renders that the most necessary of the modern languages, after the French. When you become a public man, you may have occasion for it, and the circumstance of your possessing that language, may give you a preference over other candidates. I have nothing further to add for the present, but husband well your time, cherish your instructors, strive to make every body your friend; and be assured that nothing will be so pleasing, as your success, to, Dear Peter,

Your's affectionately,

TH: JEFFERSON.

LETTER XCVI.

TO JOHN PAGE.

Paris, August 20, 1785.

DEAR PAGE,

I received your friendly letter of April the 28th, by Mr. Mazzei, on the 22nd of July. That of the month before, by Monsieur Le Croix, has not come to hand. This correspondence is grateful to

some of my warmest feelings, as the friendships of my youth are those which adhere closest to me, and in which I most confide. My principal happiness is now in the retrospect of life.

I thank you for your notes of your operations on the Pennsylvania boundary. I am in hopes that from yourself, Madison, Rittenhouse or Hutchings, I shall receive a chart of the line as actually run. It will be a great present to me. I think Hutchings promised to send it to me. I have been much pleased to hear you had it in contemplation, to endeavor to establish Rittenhouse in our college. This would be an immense acquisition, and would draw youth to it from every part of the continent. You will do much more honor to our society, on reviving it, by placing him at its head, than so useless a member as I should be. I have been so long diverted from this my favorite line, and that, too, without acquiring an attachment to my adopted one, that I am become a mongrel, of no decided order, unowned by any, and incapable of serving any. I should feel myself out of my true place too, to stand before McLurg. But why withdraw yourself? You have more zeal, more application, and more constant attention to the subjects proper to the society, and can, therefore, serve them best.

The affair of the Emperor and Dutch is settled, though not signed. The particulars have not yet transpired. That of the Bavarian exchange is dropped, and his views on Venice defeated. The alliance of Russia with Venice, to prevent his designs in that quarter, and that of the Hanoverian Elector with the King of Prussia and other members of the Germanic body, to prevent his acquisition of Bavaria, leave him in a solitary situation. In truth, he has lost much reputation by his late maneuvres. He is a restless, ambitious character, aiming at every thing, persevering in nothing, taking up designs without calculating the force which will be opposed to him, and dropping them on the appearance of firm opposition. He has some just views, and much activity. The only quarter in which the peace of Europe seems at present capable of being disturbed, is on that of the Porte. It is believed that the Emperor and Empress have schemes in contemplation, for driving the Turks out of Europe. Were this with a view to re-establish the native Greeks in the sovereignty of their own country, I could wish them success, and to see driven from that delightful country a set of barbarians, with whom an opposition to all science is an article of religion. The modern Greek is not yet so far departed from its antient model, but that we might still hope to see the language of Homer and Demosthenes flow with purity, from the lips of a free and ingenious people. But these powers

have in object to divide the country between themselves. This is only to substitute one set of barbarians for another, breaking, at the same time, the balance among the European powers. You have been told, with truth, that the Emperor of Morocco has shewn a disposition to enter into treaty with us: but not truly, that Congress has not attended to his advances, and thereby disgusted him. It is long since they took measures to meet his advances. But some unlucky incidents have delayed their effect. His dispositions continue good. As a proof of this, he has lately released freely, and clothed well, the crew of an American brig he took last winter; the only vessel ever taken from us by any of the States of Barbary. But what is the English of these good dispositions? Plainly this; he is ready to receive us into the number of his tributaries. What will be the amount of tribute, remains yet to be known, but it probably will not be as small as you may have conjectured. It will surely be more than a free people ought to pay to a power owning only four or five frigates, under twenty-two guns: he has not a port into which a larger vessel can enter. The Algerines possess fifteen or twenty frigates, from that size up to fifty guns. Disinclination on their part, has lately broken off a treaty between Spain and them, whereon they were to have received a million of dollars, besides great presents in naval stores. What sum they intend we shall pay, I cannot say. Then follow Tunis and Tripoli. You will probably find the tribute to all these powers make such a proportion of the federal taxes, as that every man will feel them sensibly, when he pays those taxes. The question is, whether their peace or war will be cheapest? But it is a question which should be addressed to our honor, as well as our avarice. Nor does it respect us as to these pirates only, but as to the nations of Europe. If we wish our commerce to be free and uninsulted, we must let these nations see, that we have an energy which at present they disbelieve. The low opinion they entertain of our powers, cannot fail to involve us soon, in a naval war.

I shall send you with this, if I can, and if not, then by the first good conveyance, the Connoissance de tems for the years 1786 and 1787, being all as yet published. You will find in these the tables for the planet Herschel, as far as the observations hitherto made, admit them to be calculated. You will see, also, that Herschel was only the first astronomer who discovered it to be a planet, and not the first who saw it. Mayer saw it in the year 1756, and placed it in the catalogue of his zodiacal stars, supposing it to be such. A Prussian astronomer, in the year 1781, observed that the 964th star of Mayer's catalogue was missing: and the calcula-

tions now prove that at the time Mayer saw his 964th star, the planet Herschel should have been precisely in the place where he noted that star. I shall send you also a little publication here, called the Bibliothéque Physico-œconomique. It will communicate all the improvements and new discoveries in the arts and sciences, made in Europe for some years past. I shall be happy to hear from you often. Details, political and literary, and even of the small history of our country, are the most pleasing communications possible. Present me affectionately to Mrs. Page, and to your family, in the members of which, though unknown to me, I feel an interest on account of their parents. Believe me to be with warm esteem, Dear Page, your sincere friend and servant,

TH: JEFFERSON.

LETTER XCVII.

TO JOHN JAY.

(Private.) Paris, August 23, 1785.

DEAR SIR,

I shall sometimes ask your permission to write you letters, not official, but private. The present is of this kind, and is occasioned by the question proposed in yours of June the 14th; 'whether it would be useful to us, to carry all our own productions, or none?

Were we perfectly free to decide this question, I should reason as follows. We have now lands enough to employ an infinite number of people in their cultivation. Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests, by the most lasting bonds. As long, therefore, as they can find employment in this line, I would not convert them into mariners, artisans, or any thing else. But our citizens will find employment in this line, till their numbers, and of course their productions, become too great for the demand both internal and foreign. This is not the case as yet, and probably will not be for a considerable time. As soon as it is, the surplus of hands must be turned to something else. I should then, perhaps, wish to turn them to the sea in preference to manufactures; because, comparing the characters of the two classes, I find the former the most valuable citizens. I consider the class of artificers as the panders of vice, and the instruments by which the liberties of a country are generally overturned. However, we are

justify my entering into the present details. I do not expect this advantage will be by an augmentation of price. The other markets of Europe have too much influence on this article, to admit any sensible augmentation of price to take place. But the advantage I principally expect, is an increase of consumption. This will give us a vent for so much more, and, of consequence, find employment for so many more cultivators of the earth: and in whatever proportion it increases this production for us, in the same proportion will it procure additional vent for the merchandise of France, and employment for the hands which produce it. I expect too, that by bringing our merchants here, they would procure a number of commodities in exchange, better in kind, and cheaper in price. It is with sincerity I add, that warm feelings are indulged in my breast by the further hope, that it would bind the two nations still closer in friendship, by binding them in interest. In truth, no two countries are better calculated for the exchanges of commerce. France wants rice, tobacco, potash, furs, and ship timber. We want wines, brandies, oils, and manufactures. There is an affection too, between the two people, which disposes them to favor one another. If they do not come together, then, to make the exchange in their own ports, it shews there is some substantial obstruction in the way. We have had the benefit of too many proofs of his Majesty's friendly disposition towards the United States, and know too well his affectionate care of his own subjects, to doubt his willingness to remove these obstructions, if they can be unequivocally pointed out. It is for his wisdom to decide, whether the monopoly, which is the subject of this letter, be deservedly classed with the principal of these. It is a great comfort to me too, that in presenting this to the mind of his Majesty, your Excellency will correct my ideas where an insufficient knowledge of facts may have led me into error; and that while the interests of the King and of his people are the first object of your attention, an additional one will be presented by those dispositions towards us, which have heretofore so often befriended our nation.

I avail myself of this occasion to repeat the assurance of that high respect and esteem, with which I have the honor to be,

your Excellency's

most obedient and

most humble servant,

TH: JEFFERSON.

part, would hold in the mouths of the most powerful of these countries. I hope our land office will rid us of our debts, and that our first attention then, will be, to the beginning a naval force of some sort. This alone can countenance our people as carriers on the water, and I suppose them to be determined to continue such.

I wrote you two public letters on the 14th instant, since which I have received yours of July the 13th. I shall always be pleased to receive from you, in a private way, such communications as you might not choose to put into a public letter.

I have the honor to be, with very sincere esteem, Dear Sir,
your most obedient humble servant,
TH: JEFFERSON.

LETTER XCVIII.

TO COLONEL MONROE.

Paris, August 28, 1785,

DEAR SIR,

I wrote you on the 5th of July, by Mr. Franklin, and on the 12th of the same month, by Monsieur Houdon. Since that date, your's of June the 16th, by Mr. Mazzei, has been received. Every thing looks like peace here. The settlement between the Emperor and Dutch is not yet published, but it is believed to be agreed on. Nothing is done, as yet, between him and the Porte. He is much wounded by the confederation of several of the Germanic body, at the head of which is the King of Prussia, and to which the King of England, as Elector of Hanover, is believed to accede. The object is to preserve the constitution of that empire. It shews that these princes entertain serious jealousies of the ambition of the Emperor, and this will very much endanger the election of his nephew as King of the Romans. A late *Arret* of this court against the admission of British manufactures, produces a great sensation in England. I wish it may produce a disposition there to receive our commerce in all their dominions, on advantageous terms. This is the only balm which can heal the wounds that it has received. It is but too true, that that country furnished markets for three fourths of the exports of the eight northern-most States. A truth not proper to be spoken of, but which should influence our proceedings with them.

The July French packet having arrived without bringing any news of Mr. Lambe, if the English one of the same month be also

arrived, without news of him, I expect Mr. Adams will concur with me in sending some other person to treat with the Barbary States. Mr. Barclay is willing to go, and I have proposed him to Mr. Adams, but have not yet received his answer. The peace expected between Spain and Algiers, will probably not take place. It is said, the former was to have given a million of dollars. Would it not be prudent to send a minister to Portugal? Our commerce with that country is very important; perhaps more so than with any other country in Europe. It is possible, too, that they might permit our whaling vessels to refresh in Brazil, or give some other indulgences in America. The lethargic character of their ambassador here, gives a very unhopeful aspect to a treaty on this ground. I lately spoke with him on the subject, and he has promised to interest himself in obtaining an answer from his court.

I have waited to see what was the pleasure of Congress, as to the secretaryship of my office here; that is, to see whether they proposed to appoint a secretary of legation, or leave me to appoint a private secretary. Colonel Humphreys' occupation in the dispatches and records of the matters which relate to the general commissions, does not afford him leisure to aid me in my office, were I entitled to ask that aid. In the mean time, the long papers which often accompany the communications between the ministers here, and myself, and the other business of the office, absolutely require a scribe. I shall, therefore, on Mr. Short's return from the Hague, appoint him my private secretary, till Congress shall think proper to signify their pleasure. The salary allowed Mr. Franklin, in the same office, was one thousand dollars a year. I shall presume that Mr. Short may draw the same allowance from the funds of the United States, here. As soon as I shall have made this appointment, I shall give official notice of it to Mr. Jay, that Congress may, if they disapprove it, say so.

I am much pleased with your land ordinance, and think it improved from the first, in the most material circumstances. I had mistaken the object of the division of the lands among the States. I am sanguine in my expectations of lessening our debts by this fund, and have expressed my expectations to the minister and others, here. I see by the public papers, you have adopted the dollar as your money unit. In the arrangement of coins I proposed, I ought to have inserted a gold coin of five dollars, which, being within two shillings of the value of a guinea, would be very convenient.

The English papers are so incessantly repeating their lies about the tumults, the anarchy, the bankruptcies and distresses of America, that these ideas prevail very generally in Europe. At a large

table where I dined the other day, a gentleman from Switzerland expressed his apprehensions for the fate of Dr. Franklin, as he said he had been informed, that he would be received with stones by the people, who were generally dissatisfied with the Revolution, and incensed against all those who had assisted in bringing it about. I told him his apprehensions were just, and that the people of America, would probably salute Dr. Franklin with the same stones they had thrown at the Marquis Fayette. The reception of the Doctor is an object of very general attention, and will weigh in Europe, as an evidence of the satisfaction or dissatisfaction of America, with their Revolution. As you are to be in Williamsburg early in November, this is the last letter I shall write you till about that time.

I am, with very sincere esteem, Dear Sir,
your friend and servant,
TH: JEFFERSON.

LETTER XCIX.

TO CAPTAIN JOHN PAUL JONES.

Paris, August 29, 1785.

SIR,

I received this moment a letter from the Marechal de Castries, of which the enclosed is a copy. Having engaged to him to solicit orders for the payment of any part of this money due to French subjects, to be made here, and moreover engaged that, in the mean time, I will order payment, should any such claimants offer themselves; I pray you to furnish me with all the evidence you can, as to what French subjects may be entitled to any part of the monies you will receive, and to how much, each of them; and also to advise me by what means I can obtain a certain roll of all such claimants.

I am, Sir, with great esteem,
your most obedient humble servant,
TH: JEFFERSON.

LETTER C.

TO JOHN JAY.

Paris, August 30, 1785.

SIR,

I had the honor of writing to you on the 14th instant, by a Mr. Cannon of Connecticut, who was to sail in the packet. Since that date, yours of July the 13th has come to hand. The times for the sailing of the packets being somewhat deranged, I avail myself of a conveyance for the present, by the Mr. Fitzhughs of Virginia, who expect to land at Philadelphia.

I enclose you a correspondence which has taken place between the Marechal de Castries, minister of the Marine, and myself. It is on the subject of the prize money, due to the officers and crew of the Alliance, for prizes taken in Europe, under the command of Captain Jones. That officer has been here, under the direction of Congress, near two years, soliciting the liquidation and payment of that money. Infinite delays had retarded the liquidation till the month of June. It was expected, when the liquidation was announced to be completed, that the money was to be received. The M. de Castries doubted the authority of Captain Jones to receive it, and wrote to me for information. I wrote him the letter dated July the 10th, which seemed to clear away that difficulty. Another arose. A Mr. Puchilberg presented powers to receive the money. I wrote, then, the letter of August the 3rd, and received that of the M. de Castries, of August the 12th, acknowledging he was satisfied as to this difficulty, but announcing another; to wit, that possibly some French subjects might have been on board the Alliance, and, therefore that Captain Jones ought to give security for the repayment of their portions. Captain Jones had before told me there was not a Frenchman on board that vessel, but the captain. I inquired of Mr. Barclay. He told me he was satisfied there was not one. Here then, was a mere possibility, a shadow of a right, opposed to a certain, to a substantial one which existed in the mass of the crew, and which was likely to be delayed; for it was not to be expected that Captain Jones could, in a strange country, find the security required. These difficulties I suppose to have been conjured up, one after another, by Mr. Puchilberg, who wanted to get hold of the money. I saw but one way to cut short these everlasting delays, which were ruining the officer soliciting the payment of the money, and keeping our seamen out of what they had hardly fought for,

years ago. This was, to undertake to ask an order from Congress, for the payment of any French claimants by their banker in Paris; and, in the mean time, to undertake to order such payment, should any such claimant prove his title, before the pleasure of Congress should be made known to me. I consulted with Mr. Barclay, who seemed satisfied I might venture this undertaking, because no such claim could be presented. I therefore wrote the letter of August the 17th, and received that of August the 26th, finally closing this tedious business. Should what I have done, not meet the approbation of Congress, I would pray their immediate sense, because it is not probable that the whole of this money will be paid so hastily, but that their orders may arrive in time, to stop a sufficiency for any French claimants who may possibly exist. The following paragraph of a letter from Captain Jones, dated L'Orient, August the 25th, 1785, further satisfies me, that my undertaking amounted to nothing in fact. He says, 'It is impossible that any legal demands should be made on you for French subjects, in consequence of your engagement to the Marechal. The Alliance was manned in America, and I never heard of any persons having served on board that frigate, who had been born in France, except the captain, who, as I was informed, had, in America, abjured the church of Rome, and been naturalized.' Should Congress approve what I have done, I will then ask their resolution for the payment, by their banker here, of any such claims as may be properly authenticated, and will moreover pray of you an authentic roll of the crew of the Alliance, with the sums to be allowed to each person; on the subject of which roll, Captain Jones, in the letter above mentioned, says, 'I carried a set of the rolls with me to America, and before I embarked in the French fleet at Boston, I put them into the hands of Mr. Secretary Livingston, and they were sealed up among the papers of his office, when I left America.' I think it possible that Mr. Puchilberg may excite claims. Should any name be offered which shall not be found on the roll, it will be a sufficient disproof of the pretension. Should it be found on the roll, it will remain to prove the identity of person, and to inquire if payment may not have been made in America. I conjecture, from the journals of Congress of June the 2nd, that Landais, who, I believe, was the captain, may be in America. As his portion of prize money may be considerable, I hope it will be settled in America, where only it can be known whether any advances have been made him.

The person at the head of the post office here, says, he proposed to Dr. Franklin a convention to facilitate the passage of letters through their office and ours, and that he delivered a draught

of the convention proposed, that it might be sent to Congress. I think it possible he may be mistaken in this, as, on my mentioning it to Dr. Franklin, he did not recollect any such draught having been put into his hands. An answer, however, is expected by them. I mention it, that Congress may decide whether they will make any convention on the subject, and on what principle. The one proposed here, was, that for letters passing hence into America, the French postage should be collected by our post officers, and paid every six months, and for letters coming from America here, the American postage should be collected by the post officers here, and paid to us in like manner. A second plan, however, presents itself; that is, to suppose the sums to be thus collected, on each side, will be equal, or so nearly equal, that the balance will not pay for the trouble of keeping accounts, and for the little bickerings that the settlement of accounts, and demands of the balances, may occasion: and therefore, to make an exchange of postage. This would better secure our harmony; but I do not know that it would be agreed to here. If not, the other might then be agreed to.

I have waited hitherto, supposing that Congress might, possibly, appoint a secretary to the legation here, or signify their pleasure that I should appoint a private secretary, to aid me in my office. The communications between the ministers and myself, requiring often that many and long papers should be copied, and that, in a shorter time than could be done by myself, were I otherwise unoccupied, other correspondences and proceedings, of all which copies must be retained, and still more the necessity of having some confidential person, who, in case of any accident to myself, might be authorised to take possession of the instructions, letters, and other papers of the office, have rendered it absolutely necessary for me to appoint a private secretary. Colonel Humphreys finds full occupation, and often more than he can do, in writing and recording the despatches and proceedings of the general commissions. I shall, therefore, appoint Mr. Short, on his return from the Hague, with an express condition, that the appointment shall cease whenever Congress shall think proper to make any other arrangement. He will, of course, expect the allowance heretofore made to the private secretaries of the ministers, which, I believe has been a thousand dollars a year.

An improvement is made here in the construction of muskets, which it may be interesting to Congress to know, should they at any time propose to procure any. It consists in the making every part of them so exactly alike, that what belongs to any one, may be used for every other musket in the magazine. The govern-

ment here, has examined and approved the method, and is establishing a large manufactory for the purpose of putting it into execution. As yet, the inventor has only completed the lock of the musket, on this plan. He will proceed immediately to have the barrel, stock, and their parts, executed in the same way. Supposing it might be useful to the United States, I went to the workman. He presented me the parts of fifty locks taken to pieces, and arranged in compartments. I put several together myself, taking pieces at hazard as they came to hand, and they fitted in the most perfect manner. The advantages of this, when arms need repair, are evident. He effects it by tools of his own contrivance, which, at the same time, abridge the work, so that he thinks he shall be able to furnish the musket, two livres cheaper than the common price. But it will be two or three years before he will be able to furnish any quantity. I mention it now, as it may have an influence on the plan for furnishing our magazines with this arm.

Every thing in Europe remains as when I wrote you last. The peace between Spain and Algiers has the appearance of being broken off. The French packet having arrived without Mr. Lambe, or any news of him, I await Mr. Adams's acceding to the proposition mentioned in my last. I send you the Gazettes of Leyden and France, to this date, and have the honor to be, with the highest respect and esteem, Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER CI.

TO JAMES MADISON.

Paris, September 1, 1785.

DEAR SIR,

My last to you by Monsieur de Doradour, was dated May the 11th. Since that, I have received yours of January the 22nd, with six copies of the revisal, and that of April the 27th, by Mr. Mazzei.

All is quiet here. The Emperor and Dutch have certainly agreed, though they have not published their agreement. Most of his schemes in Germany must be postponed, if they are not prevented, by the confederacy of many of the Germanic body, at the head of which is the King of Prussia, and to which the Elector of Hanover is supposed to have acceded. The object of the league

is to preserve the members of the empire in their present state. I doubt whether the jealousy entertained of this prince, and which is so fully evidenced by this league, may not defeat the election of his nephew to be King of the Romans, and thus produce an instance of breaking the lineal succession. Nothing is as yet done between him and the Turks. If any thing is produced in that quarter, it will not be for this year. The court of Madrid has obtained the delivery of the crew of the brig Betsey, taken by the Emperor of Morocco. The Emperor had treated them kindly, new clothed them, and delivered them to the Spanish minister, who sent them to Cadiz. This is the only American vessel ever taken by the Barbary States. The Emperor continues to give proofs of his desire to be in friendship with us, or, in other words, of receiving us into the number of his tributaries. Nothing further need be feared from him. I wish the Algerines may be as easily dealt with. I fancy the peace expected between them and Spain, is not likely to take place. I am well informed that the late proceedings in America, have produced a wonderful sensation in England in our favor. I mean the disposition which seems to be becoming general, to invest Congress with the regulation of our commerce, and, in the mean time, the measures taken to defeat the avidity of the British government, grasping at our carrying business. I can add with truth, that it was not till these symptoms appeared in America, that I have been able to discover the smallest token of respect towards the United States, in any part of Europe. There was an enthusiasm towards us, all over Europe, at the moment of the peace. The torrent of lies published unremittingly, in every day's London paper, first made an impression, and produced a coolness. The republication of these lies in most of the papers of Europe, (done probably by authority of the governments, to discourage emigrations) carried them home to the belief of every mind. They supposed every thing in America was anarchy, tumult, and civil war. The reception of the Marquis Fayette gave a check to these ideas. The late proceedings seem to be producing a decisive vibration in our favor. I think it possible that England may ply before them. It is a nation which nothing but views of interest can govern. If they produce us good there, they will here also. The defeat of the Irish propositions is also in our favor.

I have at length made up the purchase of books for you, as far as it can be done at present. The objects which I have not yet been able to get, I shall continue to seek for. Those purchased, are packed this morning in two trunks, and you have the catalogue and prices herein enclosed. The future charges of transportation shall be carried into the next bill. The amount of the present is

1154 livres 13 sous, which, reckoning the French crown of six livres at six shillings and eight pence, Virginia money, is £64, 3*s.* which sum you will be so good as to keep in your hands, to be used occasionally in the education of my nephews, when the regular resources disappoint you. To the same use I would pray you to apply twenty-five guineas, which I have lent the two Mr. Fitzhughs of Marmion, and which I have desired them to repay into your hands. You will of course deduct the price of the revisals, and of any other articles you may have been so kind as to pay for me. Greek and Roman authors are dearer here, than, I believe, any where in the world. Nobody here reads them; wherefore they are not reprinted. Don Ulloa, in the original, is not to be found. The collection of tracts on the economies of different nations, we cannot find; nor Amelot's travels into China. I shall send these two trunks of books to Havre, there to wait a conveyance to America; for as to the fixing the packets there, it is as uncertain as ever. The other articles you mention, shall be procured as far as they can be. Knowing that some of them would be better got in London, I commissioned Mr. Short, who was going there, to get them. He has not yet returned. They will be of such a nature, as that I can get some gentleman who may be going to America, to take them in his portmanteau. Le Maire being now able to stand on his own legs, there will be no necessity for your advancing him the money I desired, if it is not already done. I am anxious to hear from you on the subject of my Notes on Virginia. I have been obliged to give so many of them here, that I fear their getting published. I have received an application from the Directors of the public buildings, to procure them a plan for their capitol. I shall send them one taken from the best model of antient architecture now remaining. It has obtained the approbation of fifteen or sixteen centuries, and is, therefore, preferable to any design which might be newly contrived. It will give more room, be more convenient, and cost less, than the plan they sent me. Pray encourage them to wait for it, and to execute it. It will be superior in beauty to any thing in America, and not inferior to any thing in the world. It is very simple. Have you a copying press? If you have not, you should get one. Mine (exclusive of paper which costs a guinea a ream) has cost me about fourteen guineas. I would give ten times that sum, to have had it from the date of the stamp act. I hope you will be so good as to continue your communications, both of the great and small kind, which are equally useful to me. Be assured of the sincerity with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CII.

TO MESSRS. DUMAS AND SHORT.

Paris, September 1, 1785.

GENTLEMEN,

I have been duly honored with the receipt of your separate letters, of August 23rd, and should sooner have returned an answer, but that as you had written also to Mr. Adams, I thought it possible I might receive his sentiments on the subject, in time for the post. Not thinking it proper to lose the occasion of the post, I have concluded to communicate to you my separate sentiments, which you will of course pay attention to, only so far as they may concur with what you shall receive from Mr. Adams.

On a review of our letters to the Baron de Thulemeyer, I do not find that we had proposed that the treaty should be in two columns, the one English, and the other what he should think proper. We certainly intended to have proposed it. We had agreed together, that it should be an article of system with us, and the omission of it, in this instance, has been accidental. My own opinion, therefore, is, that to avoid the appearance of urging new propositions when every thing appeared to be arranged, we should agree to consider the French column as the original, if the Baron de Thulemeyer thinks himself bound to insist on it: but if the practice of his court will admit of the execution in the two languages, each to be considered as equally original, it would be very pleasing to me, as it will accommodate it to our views, relieve us from the embarrassment of this precedent, which may be urged against us on other occasions, and be more agreeable to our country, where the French language is spoken by very few. This method will be also attended with the advantage, that if any expression in any part of the treaty is equivocal in the one language, its true sense will be known by the corresponding passage in the other.

The errors of the copyist, in the French column, you will correct of course.

I have the honor to be, with very high esteem, Gentlemen,
your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CIII.

TO JOHN ADAMS.

Paris, September 4, 1785.

DEAR SIR,

On receipt of your favors of August the 18th and 23rd, I conferred with Mr. Barclay on the measures necessary to be taken, to set our treaty with the piratical States into motion, through his agency. Supposing that we should begin with the Emperor of Morocco, a letter to the Emperor and instructions to Mr. Barclay, seemed necessary. I have therefore sketched such outlines for these, as appear to me to be proper. You will be so good as to detract, add to, or alter them as you please, to return such as you approve under your signature, to which I will add mine. A person understanding English, French and Italian, and at the same time meriting confidence, was not to be met with here. Colonel Franks, understanding the two first languages perfectly, and a little Spanish instead of Italian, occurred to Mr. Barclay as the fittest person he could employ for a secretary. We think his allowance (exclusive of his travelling expenses and his board, which will be paid by Mr. Barclay in common with his own) should be between one hundred, and one hundred and fifty guineas a year. Fix it where you please, between these limits. What is said in the instructions to Mr. Barclay, as to his own allowance, was proposed by himself. My idea as to the partition of the whole sum to which we are limited, (eighty thousand dollars) was, that one half of it should be kept in reserve for the Algerines. They certainly possess more than half of the whole power of the piratical States. I thought then, that Morocco might claim the half of the remainder, that is to say, one fourth of the whole. For this reason, in the instructions, I propose twenty thousand dollars as the limit of the expenses of the Morocco treaty. Be so good as to think of it, and make it what you please. I should be more disposed to enlarge than abridge it, on account of their neighborhood to our Atlantic trade. I did not think that these papers should be trusted through the post office, and therefore, as Colonel Franks is engaged in the business, he comes with them. Passing by the diligence, the whole expense will not exceed twelve or fourteen guineas. I suppose we are bound to avail ourselves of the co-operation of France. I will join you, therefore, in any letter you think proper to write to the Count de Vergennes. Would you think it expedient to write to Mr. Carmichael, to interest the interposition of the Spanish

court? I will join you in any thing of this kind you will originate. In short, be so good as to supply whatever you may think necessary. With respect to the money, Mr. Jay's information to you was, that it was to be drawn from Holland. It will rest therefore with you, to avail Mr. Barclay of that fund, either by your draft, or by a letter of credit to the bankers in his favor, to the necessary amount. I imagine the Dutch consul at Morocco may be rendered an useful character, in the remittances of money to Mr. Barclay, while at Morocco.

You were apprised, by a letter from Mr. Short, of the delay which had arisen in the execution of the treaty with Prussia. I wrote a separate letter, of which I enclose you a copy, hoping it would meet one from you, and set them again into motion.

I have the honor to be, with the highest respect, Dear Sir,
your most obedient
and most humble servant,
TH: JEFFERSON.

[The following are the sketches of the letter to the Emperor of Morocco, and of the instructions to Mr. Barclay, referred to in the preceding letter.]

Heads for a letter to the Emperor of Morocco.

That the United States of America, heretofore connected in government with Great Britain, had found it necessary for their happiness to separate from her, and to assume an independent station.

That, consisting of a number of separate States, they had confederated together, and placed the sovereignty of the whole, in matters relating to foreign nations, in a body consisting of delegates from every State, and called the Congress of the United States.

That Great Britain had solemnly confirmed their separation, and acknowledged their independence.

That after the conclusion of the peace, which terminated the war in which they had been engaged for the establishment of their independence, the first attentions of Congress were necessarily engrossed by the re-establishment of order and regular government.

That they had, as soon as possible, turned their attention to foreign nations, and, desirous of entering into amity and commerce with them, had been pleased to appoint us, with Dr. Benjamin

Franklin, to execute such treaties for this purpose, as should be agreed on by such nations, with us, or any two of us.

That Dr. Franklin having found it necessary to return to America, the execution of these several commissions had devolved on us.

That being placed as Ministers Plenipotentiary for the United States at the courts of England and France; this circumstance, with the commissions with which we are charged for entering into treaties with various other nations, puts it out of our power to attend at the other courts in person, and obliges us to negotiate by the intervention of confidential persons.

That, respecting the friendly dispositions shewn by his Majesty, the Emperor of Morocco, towards the United States, and indulging the desire of forming a connection with a sovereign, so renowned for his power, his wisdom, and his justice, we had embraced the first moment possible, of assuring him of these the sentiments of our country and of ourselves, and of expressing to him our wishes to enter into a connection of friendship and commerce with him.

That for this purpose, we had commissioned the bearer hereof, Thomas Barclay, a person in the highest confidence of the Congress of the United States, and as such, having been several years, and still being their consul general with our great and good friend and ally, the King of France, to arrange with his Majesty the Emperor, those conditions which it might be advantageous for both nations to adopt, for the regulation of their commerce, and their mutual conduct towards each other.

That we deliver to him a copy of the full powers with which we are invested, to conclude a treaty with his Majesty, which copy he is instructed to present to his Majesty.

That though by these, we are not authorised to delegate to him the power of ultimately signing the treaty, yet such is our reliance on his wisdom, his integrity, and his attention to the instructions with which he is charged, that we assure his Majesty, the conditions which he shall arrange and send to us, shall be returned with our signature, in order to receive that of the person whom his Majesty shall commission for the same purpose.

Heads of instructions to Mr. Barclay.

Congress having been pleased to invest us with full powers for entering into a treaty of amity and alliance with the Emperor of Morocco, and it being impracticable for us to attend his court in person, and equally impracticable, on account of our separate stations, to receive a minister from him, we have concluded to effect our object by the intervention of a confidential person. We concur

in wishing to avail the United States of your talents in the execution of this business, and therefore furnish you with a letter to the Emperor of Morocco, to give due credit to your transactions with him.

We advise you to proceed by the way of Madrid, where you will have opportunities of deriving many lights from Mr. Carmichael, through whom, many communications with the court of Morocco have already passed.

From thence you will proceed, by such route as you shall think best, to the court of the Emperor.

You will present to him our letter, with the copy of our full powers, with which you are furnished, at such time or times, and in such manner, as you shall find best.

You will proceed to negotiate with his minister, the terms of a treaty of amity and commerce, as nearly conformed as possible to the draught we give you. Where alterations, which, in your opinion, shall not be of great importance, shall be urged by the other party, you are at liberty to agree to them. Where they shall be of great importance, and such as you think should be rejected, you will reject them: but where they are of great importance, and you think they may be accepted, you will ask time to take our advice, and will advise with us accordingly, by letter or by courier, as you shall think best. When the articles shall all be agreed, you will send them to us by some proper person, for our signature.

The whole expense of this treaty, including as well the expenses of all persons employed about it, as the presents to the Emperor and his servants, must not exceed twenty thousand dollars: and we urge you to use your best endeavors, to bring it as much below that sum as you possibly can. As custom may have rendered some presents necessary in the beginning or progress of this business, and before it is concluded, or even in a way to be concluded, we authorise you to conform to the custom, confiding in your discretion to hazard as little as possible, before a certainty of the event. We trust to you also to procure the best information, as to what persons, and in what form, these presents should be made, and to make them accordingly.

The difference between the customs of that and other courts, the difficulty of obtaining a knowledge of those customs, but on the spot, and our great confidence in your discretion, induce us to leave to that, all other circumstances relative to the object of your mission. It will be necessary for you to take a secretary, well skilled in the French language, to aid you in your business, and to take charge of your papers in case of any accident to yourself. We think you may allow him ——— guineas a year, besides his ex-

penses for travelling and subsistence. We engage to furnish your own expenses, according to the respectability of the character with which you are invested, but as to the allowance for your trouble, we wish to leave it to Congress. We annex hereto sundry heads of inquiry which we wish you to make, and to give us thereon the best information you shall be able to obtain. We desire you to correspond with us by every opportunity which you think should be trusted, giving us, from time to time, an account of your proceedings and prospects.

Heads of inquiry for Mr. Barclay, as to Morocco.

1. Commerce. What are the articles of their export and import? What duties are levied by them on exports and imports? Do all nations pay the same, or what nations are favored, and how far? Are they their own carriers, or who carries for them? Do they trade themselves to other countries, or are they merely passive?

2. Ports. What are their principal ports? What depth of water in them? What works of defence protect these ports?

3. Naval force. How many armed vessels have they? Of what kind and force? What is the constitution of their naval force? What resources for increasing their navy? What number of seamen? Their cruising grounds, and seasons of cruising?

4. Prisoners. What is their condition and treatment? At what price are they ordinarily redeemed, and how?

Do they pay respect to the treaties they make?

Land forces. Their numbers, constitution and respectability?

Revenues. Their amount.

Coins. What coins pass there, and at what rates?

LETTER CIV.

TO DAVID HARTLEY.

Paris, September 5, 1785.

DEAR SIR,

Your favor of April the 15th, happened to be put into my hands at the same time with a large parcel of letters from America, which contained a variety of intelligence. It was then put where I usually place my unanswered letters; and I, from time to time, put off acknowledging the receipt of it, till I should be able to

passed an ordinance establishing a land office, considerably improved, I think, on the plan of which I had the honor of giving you a copy. The lands are to be offered for sale to the highest bidder. For this purpose, portions of them are to be proposed in each State, that each may have the means of purchase carried equally to their doors, and that the purchasers may be a proper mixture of the citizens from all the different States. But such lots as cannot be sold for a dollar an acre, are not to be parted with. They will receive as money, the certificates of public debt. I flatter myself that this arrangement will very soon absorb the whole of these certificates, and thus rid us of our domestic debt, which is four fifths of our whole debt. Our foreign debt will be then a bagatelle.

I think it probable that Vermont will be made independent, as I am told the State of New York is likely to agree to it. Maine will probably, in time, be also permitted to separate from Massachusetts. As yet, they only begin to think of it. Whenever the people of Kentucky shall have agreed among themselves, my friends write me word, that Virginia will consent to their separation. They will constitute the new State on the south side of Ohio, joining Virginia. North Carolina, by an act of their Assembly, ceded to Congress all their lands westward of the Alleganey. The people inhabiting that territory, thereon declared themselves independent, called their State by the name of Franklin, and solicited Congress to be received into the Union. But before Congress met, North Carolina (for what reasons I could never learn) resumed their cession. The people, however, persist; Congress recommend to the State to desist from their opposition, and I have no doubt they will do it. It will, therefore, result from the act of Congress laying off the western country into new States, that these States will come into the Union in the manner therein provided, and without any disputes as to their boundaries.

I am told that some hostile transaction by our people at the Natchez, against the Spaniards, has taken place. If it be fact, Congress will certainly not protect them, but leave them to be chastised by the Spaniards, saving the right to the territory. A Spanish minister being now with Congress, and both parties interested in keeping the peace, I think, if such an event has happened, it will be easily arranged.

I told you when here, of the propositions made by Congress to the States, to be authorised to make certain regulations in their commerce; and, that from the disposition to strengthen the hands of Congress, which was then growing fast, I thought they would consent to it. Most of them did so, and I suppose all of them would

have done it, if they have not actually done it, but that events proved a much more extensive power would be requisite. Congress have, therefore, desired to be invested with the whole regulation of their trade, and for ever: and to prevent all temptations to abuse the power, and all fears of it, they propose that whatever monies shall be levied on commerce, either for the purpose of revenue, or by way of forfeitures or penalty, shall go directly into the coffers of the State wherein it is levied, without being touched by Congress. From the present temper of the States, and the conviction which your country has carried home to their minds, that there is no other method of defeating the greedy attempts of other countries to trade with them on unequal terms, I think they will add an article for this purpose to their Confederation. But the present powers of Congress over the commerce of the States, under the Confederation, seem not at all understood by your ministry. They say that body has no power to enter into a treaty of commerce; why then make one? This is a mistake. By the sixth article of the Confederation, the States renounce, individually, all power to make any treaty, of whatever nature, with a foreign nation. By the ninth article, they give the power of making treaties wholly to Congress, with two reservations only. 1. That no treaty of commerce shall be made, which shall restrain the legislatures from making foreigners pay the same imposts with their own people: nor 2. from prohibiting the exportation or importation of any species of merchandise, which they might think proper. Were any treaty to be made which should violate either of these two reservations, it would be so far void. In the treaties, therefore, made with France, Holland, &c. this has been cautiously avoided. But are these treaties of no advantage to these nations? Besides the advantages expressly given by them, there results another, of great value. The commerce of those nations with the United States, is thereby under the protection of Congress, and no particular State, acting by fits and starts, can harass the trade of France, Holland, &c. by such measures as several of them have practised against England, by loading her merchandise with partial imposts, refusing admittance to it altogether, excluding her merchants, &c. &c. For you will observe, that though by the second reservation before mentioned, they can prohibit the importation of any *species* of merchandise, as, for instance, though they may prohibit the importation of wines in general, yet they cannot prohibit that of *French* wines in particular. Another advantage is, that the nations having treaties with Congress, can and do provide in such treaties for the admission of their consuls, a kind of officer very necessary for the regulation

and protection of commerce. You know that a consul is the creature of treaty. No nation without an agreement, can place an officer in another country, with any powers or jurisdiction whatever. But as the States have renounced the separate power of making treaties with foreign nations, they cannot separately receive a consul: and as Congress have, by the Confederation, no immediate jurisdiction over commerce, as they have only a power of bringing that jurisdiction into existence by entering into a treaty, till such treaty be entered into, Congress themselves cannot receive a consul. Till a treaty then, there exists no power in any part of our government, federal or particular, to admit a consul among us: and if it be true, as the papers say, that you have lately sent one over, he cannot be admitted by any power in existence, to an exercise of any function. Nothing less than a new article, to be agreed to by all the States, would enable Congress, or the particular States, to receive him. You must not be surprised then, if he be not received.

I think I have by this time tired you with American politics, and will therefore only add assurances of the sincere regard and esteem, with which I have the honor to be, Dear Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER CV.

TO BARON GEISMER.

Paris, September 6, 1785

DEAR SIR,

Your letter of March the 28th, which I received about a month after its date, gave me a very real pleasure, as it assured me of an existence which I valued, and of which I had been led to doubt. You are now too distant from America, to be much interested in what passes there. From the London gazettes, and the papers copying them, you are led to suppose that all there is anarchy, discontent and civil war. Nothing, however, is less true. There are not, on the face of the earth, more tranquil governments than ours, nor a happier and more contented people. Their commerce has not as yet found the channels, which their new relations with the world will offer to best advantage, and the old ones remain as yet unopened by new conventions. This occasions a stagnation in the sale of their produce, the only truth among all the circum-

stances published about them. Their hatred against Great Britain, having lately received from that nation new cause and new aliment, has taken a new spring. Among the individuals of your acquaintance, nothing remarkable has happened. No revolution in the happiness of any of them has taken place, except that of the loss of their only child to Mr. and Mrs. Walker, who, however, left them a grand child for their solace, and that of your humble servant, who remains with no other family than two daughters, the elder here, (who was of your acquaintance) the younger in Virginia, but expected here the next summer. The character in which I am here, at present, confines me to this place, and will confine me as long as I continue in Europe. How long this will be, I cannot tell. I am now of an age which does not easily accommodate itself to new manners and new modes of living: and I am savage enough to prefer the woods, the wilds, and the independence of Monticello, to all the brilliant pleasures of this gay Capital. I shall, therefore, rejoin myself to my native country, with new attachments, and with exaggerated esteem for its advantages; for though there is less wealth there, there is more freedom, more ease, and less misery. I should like it better, however, if it could tempt you once more to visit it: but that is not to be expected. Be this as it may, and whether fortune means to allow or deny me the pleasure of ever seeing you again, be assured that the worth which gave birth to my attachment, and which still animates it, will continue to keep it up while we both live, and that it is with sincerity I subscribe myself, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CVI.

TO JOHN LANGDON.

Paris, September 11, 1785.

DEAR SIR,

Your Captain Yeaton being here, furnishes me an opportunity of paying the tribute of my congratulations on your appointment to the government of your State, which I do sincerely. He gives me the grateful intelligence of your health, and that of Mrs. Langdon. Anxious to promote your service, and believing he could do it by getting himself naturalized here, and authorised to command your vessel, he came from Havre to Paris. But on making the best inquiries I could, it seemed that the time requisite to go through

with this business, would be much more than he could spare. He therefore declined it. I wish it were in my power to give you a hope that our commerce, either with this country, or its islands, was likely to be put on a better footing. But if it be altered at all, it will probably be for the worse. The regulations respecting their commerce are by no means sufficiently stable to be relied on.

Europe is in quiet, and likely to remain so. The affairs of the Emperor and Dutch are as good as settled, and no other cloud portends any immediate storm. You have heard much of American vessels taken by the Barbary pirates. The Emperor of Morocco took one last winter, (the brig Betsey from Philadelphia;) he did not however reduce the crew to slavery, nor confiscate the vessel or cargo. He has lately delivered up the crew on the solicitation of the Spanish court. No other has ever been taken by them. There are, indeed, rumors of one having been lately taken by the Algerines. The fact is possible, as there is nothing to hinder their taking them, but it is not as yet confirmed. I have little doubt, that we shall be able to place our commerce on a popular footing with the Barbary States, this summer, and thus not only render our navigation to Portugal and Spain safe, but open the Mediterranean as formerly. In spite of treaties, England is still our enemy. Her hatred is deep rooted and cordial, and nothing is wanting with her but the power, to wipe us and the land we live on out of existence. Her interest, however, is her ruling passion: and the late American measures have struck at that so vitally, and with an energy, too, of which she had thought us quite incapable, that a possibility seems to open of forming some arrangement with her. When they shall see decidedly, that, without it, we shall suppress their commerce with us, they will be agitated by their avarice, on the one hand, and their hatred and their fear of us, on the other. The result of this conflict of dirty passions is yet to be awaited. The body of the people of this country love us cordially. But ministers and merchants love no body. The merchants here, are endeavoring to exclude us from their islands. The ministers will be governed in it by political motives, and will do it, or not do it, as these shall appear to dictate, without love or hatred to any body. It were to be wished that they were able to combine better, the various circumstances which prove, beyond a doubt, that all the advantages of their colonies result, in the end, to the mother country. I pray you to present me in the most friendly terms to Mrs. Langdon, and to be assured of the esteem with which I am,

your Excellency's most obedient
and most humble servant,

TH: JEFFERSON.

LETTER CVII.

TO LISTER ASQUITH.

Paris, September 14, 1785.

SIR,

Several of your letters have been received, and we have been occupied in endeavors to have you discharged: but these have been ineffectual. If our information be right, you are mistaken in supposing you are already condemned. The Farmers General tell us, you are to be tried at Brest, and this trial may perhaps be a month hence. From that court you may appeal to the Parliament of Rennes, and from that, to the King in Council. They say, that from the depositions sent to them, there can be no doubt you came to smuggle, and that, in that case, the judgment of the law, is a forfeiture of the vessel and cargo, a fine of a thousand livres on each of you, and six years condemnation to the gallies. These several appeals will be attended with considerable expense. They offer to discharge your persons and vessel, (but not the cargo) on your paying two thousand livres, and the costs already incurred; which are three or four hundred more. You will therefore choose, whether to go through the trial, or to compromise, and you are the best judge, what may be the evidence for or against you. In either case, I shall render you all the service I can. I will add, that if you are disposed to have the matter tried, I am of opinion, that, if found against you, there will be no danger of their sending you to the gallies; so that you may decide what course you will take, without any bias from that fear. If you choose to compromise, I will endeavor to have it done for you, on the best terms we can. I fear they will abate little from the two thousand livres, because Captain Deville, whom you sent here, fixed the matter by offering that sum, and has done you more harm than good. I shall be glad, if you will desire your lawyer to make out a state of your case, (which he may do in French) and send it to me. Write me also yourself, a plain and full narration of your voyage, and the circumstances which have brought so small a vessel, with so small a cargo, from America into France. As far as we yet know them, they are not in your favor. Inform me who you are, and what papers you have on board. But do not state to me a single fact which is not true: for if I am led, by your information, to advance any thing which they shall prove to be untrue, I will abandon your case from that moment: whereas, sending me a true statement, I will make the best of it I can. Mr. Barclay, the American con-

sul, will be here some few days yet. He will be, as he has already been, of much service to you, if the information I ask both from yourself and your lawyer, can come before his departure. I repeat my assurances of doing whatever I can for you, and am, Sir,

your very humble servant,

TH: JEFFERSON.

LETTER CVIII.

TO JOHN ADAMS.

Paris, September 19, 1785

DEAR SIR,

Lambe has arrived. He brings new full powers to us from Congress, to appoint persons to negotiate with the Barbary States; but we are to sign the treaties. Lambe has not even a recommendation from them to us, but it seems clear that he would be approved by them. I told him of Mr. Barclay's appointment to Morocco, and proposed Algiers to him. He agrees. A small alteration in the form of our despatches will be necessary, and, of course, another courier shall be despatched to you on the return of Colonel Franks, for your pleasure herein.

I am, with great esteem,

your friend and servant,

TH: JEFFERSON.*

LETTER CIX.

TO JAMES MADISON.

Paris, September 20, 1785.

DEAR SIR,

By Mr. Fitzhugh, you will receive my letter of the first instant. He is still here, and gives me an opportunity of again addressing you much sooner than I should have done, but for the discovery of a great piece of inattention. In that letter I send you a detail of the cost of your books, and desire you to keep the amount in your hands, as if I had forgot that a part of it was in fact your own, as being a balance of what I had remained in your debt. I

[* The original of the above was in cypher; though, as in the case of most of the Author's letters in cypher, he prepared and preserved a literal copy of it.]

really did not attend to it in the moment of writing, and when it occurred to me, I revised my memorandum book from the time of our being in Philadelphia together, and stated our account from the beginning, lest I should forget or mistake any part of it. I enclose you this statement. You will always be so good as to let me know, from time to time, your advances for me. Correct with freedom all my proceedings for you, as, in what I do, I have no other desire than that of doing exactly what will be most pleasing to you.

I received this summer a letter from Messrs. Buchanan and Hay, as Directors of the public buildings, desiring I would have drawn for them, plans of sundry buildings, and, in the first place, of a capitol. They fixed, for their receiving this plan, a day which was within about six weeks of that on which their letter came to my hand. I engaged an architect of capital abilities in this business. Much time was requsite, after the external form was agreed on, to make the internal distribution convenient for the three branches of government. This time was much lengthened by my avocations to other objects, which I had no right to neglect. The plan however was settled. The gentlemen had sent me one which they had thought of. The one agreed on here, is more convenient, more beautiful, gives more room, and will not cost more than two thirds of what that would. We took for our model what is called the Maison quarrée of Nismes, one of the most beautiful, if not the most beautiful and precious morsel of architecture left us by antiquity. It was built by Caius and Lucius Cæsar, and repaired by Louis XIV., and has the suffrage of all the judges of architecture, who have seen it, as yielding to no one of the beautiful monuments of Greece, Rome, Palmyra, and Balbec, which late travellers have communicated to us. It is very simple, but it is noble beyond expression, and would have done honor to our country, as presenting to travellers a specimen of taste in our infancy, promising much for our maturer age. I have been much mortified with information, which I received two days ago from Virginia, that the first brick of the capitol would be laid within a few days. But surely, the delay of this piece of a summer would have been repaired by the savings in the plan preparing here, were we to value its other superiorities as nothing. But how is a taste in this beautiful art to be formed in our countrymen, unless we avail ourselves of every occasion when public buildings are to be erected, of presenting to them models for their study and imitation? Pray try if you can effect the stopping of this work. I have written also to E. R. on the subject. The loss will be only of the laying the bricks already laid, or a part of them. The bricks themselves

will do again for the interior walls, and one side wall and one end wall may remain, as they will answer equally well for our plan. This loss is not to be weighed against the saving of money which will arise, against the comfort of laying out the public money for something honorable, the satisfaction of seeing an object and proof of national good taste, and the regret and mortification of erecting a monument of our barbarism, which will be loaded with execrations as long as it shall endure. The plans are in good forwardness, and I hope will be ready within three or four weeks. They could not be stopped now, but on paying their whole price, which will be considerable. If the undertakers are afraid to undo what they have done, encourage them to it by a recommendation from the Assembly. You see I am an enthusiast on the subject of the arts. But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile to them the respect of the world, and procure them its praise.

I shall send off your books, in two trunks, to Havre, within two or three days, to the care of Mr. Limozin, American agent there. I will advise you, as soon as I know by what vessel he forwards them. Adieu.

Your's affectionately,

TH: JEFFERSON.

LETTER CX.

TO EDMUND RANDOLPH.

Paris, September 20, 1785.

DEAR SIR,

Being in your debt for ten volumes of Buffon, I have endeavored to find something that would be agreeable to you to receive, in return. I therefore send you, by way of Havre, a dictionary of law natural and municipal, in thirteen volumes 4to., called le Code de l'humanité. It is published by Felice, but written by him and several other authors of established reputation. It is an excellent work. I do not mean to say, that it answers fully to its title. That would have required fifty times the volume. It wants many articles which the title would induce us to seek in it. But the articles which it contains are well written. It is better than the voluminous Dictionnaire diplomatique, and better also than the same branch of the Encyclopedie methodique. There has been

nothing published here, since I came, of extraordinary merit. The Encyclopedie methodique, which is coming out, from time to time, must be excepted from this. It is to be had at two guineas less than the subscription price. I shall be happy to send you any thing in this way which you may desire. French books are to be bought here, for two thirds of what they can in England. English and Greek and Latin authors, cost from twenty-five to fifty per cent. more here than in England.

I received, some time ago, a letter from Messrs. Hay and Buchanan, as Directors of the public buildings, desiring I would have plans drawn for our public buildings, and in the first place, for the capitol. I did not receive their letter till within about six weeks of the time they had fixed on, for receiving the drawings. Nevertheless, I engaged an excellent architect to comply with their desire. It has taken much time to accommodate the external adopted, to the internal arrangement necessary for the three branches of government. However, it is effected on a plan, which, with a great deal of beauty and convenience within, unites an external form on the most perfect model of antiquity now existing. This is the Maison quarrée of Nismes, built by Caius and Lucius Cæsar, and repaired by Louis XIV., which, in the opinion of all who have seen it yields, in beauty, to no piece of architecture on earth. The gentlemen enclosed me a plan of which they had thought. The one preparing here, will be more convenient, give more room, and cost but two thirds of that: and as a piece of architecture, doing honor to our country, will leave nothing to be desired. The plans will be ready soon. But, two days ago, I received a letter from Virginia, informing me the first brick of the capitol would be laid within a few days. This mortifies me extremely. The delay of this summer, would have been amply repaid by the superiority and economy of the plan preparing here. Is it impossible to stop the work where it is? You will gain money by losing what is done, and general approbation, instead of occasioning a regret, which will endure as long as your building does. How is a taste for a chaste and good style of building to be formed in our countrymen, unless we seize all occasions which the erection of public buildings offers, of presenting to them models for their imitation? Do, my Dear Sir, exert your influence to stay the further progress of the work, till you can receive these plans. You will only lose the price of laying what bricks are already laid, and of taking part of them asunder. They will do again for the inner walls. A plan for a prison will be sent at the same time.

Mazzei is here, and in pressing distress for money. I have helped him as far as I have been able, but particular circumstan-

ces put it out of my power to do more. He is looking with anxiety to the arrival of every vessel, in hopes of relief through your means. If he does not receive it soon, it is difficult to foresee his fate.

The quiet which Europe enjoys at present, leaves nothing to communicate to you in the political way. The Emperor and Dutch still differ about the quantum of money to be paid by the latter; they know not for what. Perhaps their internal convulsions will hasten them to a decision. France is improving her navy, as if she were already in a naval war: yet I see no immediate prospect of her having occasion for it. England is not likely to offer war to any nation, unless, perhaps to ours. This would cost us our whole shipping: but in every other respect, we might flatter ourselves with success. But the most successful war seldom pays for its losses. I shall be glad to hear from you when convenient, and am, with much esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXI.

TO JOHN ADAMS.

Paris, September 24, 1785.

DEAR SIR,

I have received your favor of the 18th, enclosing your compliments on your presentation. The sentiments you therein expressed, were such as were entertained in America till the commercial proclamation, and such as would again return, were a rational conduct to be adopted by Great Britain. I think, therefore, you by no means compromitted yourself or our country, nor expressed more than it would be our interest to encourage, if they were disposed to meet us. I am pleased, however, to see the answer of the King. It bears the marks of suddenness and surprise, and as he seems not to have had time for reflection, we may suppose he was obliged to find his answer in the real sentiments of his heart, if that heart has any sentiment. I have no doubt, however, that it contains the real creed of an Englishman, and that the word which he has let escape, is the true word of the enigma. 'The moment I see such sentiments as yours prevail, and a disposition to give this country the *preference*, I will, &c.' All this I steadfastly believe. But the condition is impossible. Our interest calls for a perfect

equality in our conduct towards these two nations; but no preferences any where. If, however, circumstances should ever oblige us to show a preference, a respect for our character, if we had no better motive, would decide to which it should be given.

My letters from members of Congress render it doubtful, whether they would not rather that full time should be given for the present disposition of America to mature itself, and to produce a permanent improvement in the federal constitution, rather than, by removing the incentive, to prevent the improvement. It is certain that our commerce is in agonies at present, and that these would be relieved by opening the British ports in the West Indies. It remains to consider, whether a temporary continuance under these sufferings would be paid for, by the amendment it is likely to produce. However, I believe there is no fear that Great Britain will puzzle us, by leaving it in our choice to hasten or delay a treaty.

Is insurance made on Houdon's life? I am uneasy about it, lest we should hear of any accident. As yet there is no reason to doubt their safe passage. If the insurance is not made, I will pray you to have it done immediately.

As I have not received any London newspapers as yet, I am obliged to ask you what is done as to them, lest the delay should proceed from some obstacle to be removed.

There is a Mr. Thompson at Dover, who has proposed to me a method of getting them post free: but I have declined resorting to it, till I should know in what train the matter is at present.

I have the honor to be, with the most perfect esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXII.

TO JOHN ADAMS.

Paris, September 24, 1785.

DEAR SIR,

My letter of September the 19th, written the morning after Mr. Lambe's arrival here, will inform you of that circumstance. I transmit you herewith, copies of the papers he brought to us on the subject of the Barbary treaties. You will see by them, that Congress have adopted the very plan which we were proposing to pursue. It will now go on with less danger of objection from the other parties. The receipt of these new papers, therefore, has rendered necessary no change, in matter of substance, in the

despatches we had prepared. But they render some formal changes necessary. For instance, in our letter of credence for Mr. Barclay to the Emperor of Morocco, it becomes improper to enter into those explanations which seemed proper when that letter was drawn; because Congress, in their letter, enter into those explanations. In the letter to the Count de Vergennes, it became proper to mention the new full powers received from Congress, and which, in some measure, accord with the idea communicated by him to us, from the Marechal de Castries. These and other formal alterations, which appeared necessary to me, I have made, leaving so much of the original draughts, approved and amended by you, as were not inconsistent with these alterations. I have therefore had these prepared fair, to save you the trouble of copying; yet, wherever you choose to make alterations, you will be so good as to make them; taking, in that case, the trouble of having new fair copies made out.

You will perceive by Mr. Jay's letter, that Congress had not thought proper to give Mr. Lambe any appointment. I imagine they apprehended it might interfere with measures actually taken by us. Notwithstanding the perfect freedom which they are pleased to leave to us, on this subject, I cannot feel myself clear of that bias, which a presumption of their pleasure gives, and ought to give. I presume that Mr. Lambe met their approbation, because of the recommendations he carried from the Governor and State of Connecticut, because of his actual knowledge of the country and people of the States of Barbary, because of the detention of these letters from March to July, which, considering their pressing nature, would otherwise have been sent by other Americans, who, in the mean time, have come from New York to Paris; and because too, of the information we received by Mr. Jarvis. These reasons are not strong enough to set aside our appointment of Mr. Barclay to Morocco: that I think should go on, as no man could be sent who would enjoy more the confidence of Congress. But they are strong enough to induce me to propose to you the appointment of Lambe to Algiers. He has followed for many years the Barbary trade, and seems intimately acquainted with those States. I have not seen enough of him to judge of his abilities. He seems not deficient, as far as I can see, and the footing on which he comes, must furnish a presumption for what we do not see. We must say the same as to his integrity; we must rely for this on the recommendations he brings, as it is impossible for us to judge of this for ourselves. Yet it will be our duty to use such reasonable cautions as are in our power. Two occur to me. 1. To give him a clerk capable of assisting and attending to his pro-

ceedings, and who, in case he thought any thing was going amiss, might give us information. 2. Not to give him a credit on Van Staphorst and Willinck, but let his drafts be made on yourself, which, with the knowledge you will have of his proceedings, will enable you to check them, if you are sensible of any abuse intended. This will give you trouble; but as I have never found you declining trouble, when it is necessary, I venture to propose it. I hope it will not expose you to inconvenience, as by instructing Lambe to insert in his drafts a proper usance, you can, in the mean time, raise the money for them by drawing on Holland. I must inform you that Mr. Barclay wishes to be put on the same footing with Mr. Lambe, as to this article, and therefore I return you your letter of credit on Van Staphorst & Co. As to the first article, there is great difficulty. There is nobody at Paris fit for the undertaking, who would be likely to accept it. I mean there is no American, for I should be anxious to place a native in the trust. Perhaps, you can send us one from London. There is a Mr. Randall there, from New York, whom Mr. Barclay thinks might be relied on very firmly, for integrity and capacity. He is there for his health; perhaps you can persuade him to go to Algiers in pursuit of it. If you cannot, I really know not what will be done. It is impossible to propose to Bancroft to go in a secondary capacity. Mr. Barclay and myself have thought of Cairnes, at L'Orient, as a dernier resort. But it is uncertain, or rather improbable, that he will undertake it. You will be pleased, in the first place, to consider of my proposition to send Lambe to Algiers; and in the next, all the circumstances before detailed, as consequences of that.

The enclosed letter from Richard O'Bryan, furnishes powerful motives for commencing, by some means or other, the treaty with Algiers, more immediately than would be done, if left on Mr. Barclay. You will perceive by that, that two of our vessels, with their crews and cargoes, have been carried captive into that port. What is to be done as to those poor people? I am for hazarding the supplementary instruction to Lambe, which accompanies these papers. Alter it, or reject it, as you please. You ask what I think of claiming the Dutch interposition. I doubt the fidelity of any interposition too much, to desire it sincerely. Our letters to this court, heretofore, seemed to oblige us to communicate with them on the subject. If you think the Dutch would take amiss our not applying to them, I will join you in the application. Otherwise, the fewer who are apprised of our proceedings, the better. To communicate them to the States of Holland, is to communicate them to the whole world.

Mr. Short returned last night, and brought the Prussian treaty, duly executed in English and French. We may send it to Congress by the Mr. Fitzhughs, going from hence. Will you draw and sign a short letter for that purpose? I send you a copy of a letter received from the Marquis Fayette. In the present unsettled state of American commerce, I had as lieve avoid all further treaties, except with American powers. If Count Merci, therefore, does not propose the subject to me, I shall not to him, nor do more than decency requires, if he does propose it. I am, with great esteem, Dear Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER CXIII.

TO F. HOPKINSON.

Paris, September 25, 1785.

DEAR SIR,

My last to you was of the 6th of July. Since that, I have received yours of July the 23rd. I do not altogether despair of making something of your method of quilling, though, as yet, the prospect is not favorable. I applaud much your perseverance in improving this instrument, and benefiting mankind almost in spite of their teeth. I mentioned to Piccini the improvement with which I am entrusted. He plays on the piano forte, and therefore did not feel himself personally interested. I hope some better opportunity will yet fall in my way of doing it justice. I had almost decided, on his advice, to get a piano forte for my daughter; but your last letter may pause me, till I see its effect.

Arts and arms are alike asleep for the moment. Ballooning indeed goes on. There are two artists in the neighborhood of Paris, who seem to be advancing towards the desideratum in this business. They are able to rise and fall at will, without expending their gas, and to deflect forty-five degrees from the course of the wind.

I desired you, in my last, to send the newspapers, notwithstanding the expense. I had then no idea of it. Some late instances have made me perfectly acquainted with it. I have therefore been obliged to adopt the following plan. To have my newspapers, from the different States, enclosed to the office for Foreign Affairs, and to desire Mr. Jay to pack the whole in a box, and send it by the packet as merchandise, directed to the American consul at

L'Orient, who will forward it to me by the periodical wagons. In this way, they will only cost me livres where they now cost me guineas. I must pray you, just before the departure of every French packet, to send my papers on hand, to Mr. Jay, in this way. I do not know whether I am subject to American postage or not, in general; but I think newspapers never are. I have sometimes thought of sending a copy of my Notes, to the Philosophical Society, as a tribute due to them: but this would seem as if I considered them as worth something, which I am conscious they are not. I will not ask you for your advice on this occasion, because it is one of those, on which no man is authorised to ask a sincere opinion. I shall therefore refer it to further thoughts.

I am, with very sincere esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXIV.

TO LISTER ASQUITH.

Paris, September 26, 1785.

SIR,

I have received your letter of September the 19th, with your log-book and other papers. I now wait for the letter from your lawyer, as, till I know the real nature and state of your process, it is impossible for me to judge what can be done for you here. As soon as I receive them, you shall hear from me. In the mean time, I supposed it would be a comfort to you to know, that your papers had come safe to hand, and that I shall be attentive to do whatever circumstances will admit.

I am, Sir, your very humble servant,

TH: JEFFERSON.

LETTER CXV.

TO R. IZARD.

Paris, September 26, 1785.

DEAR SIR,

I received, a few days ago, your favor of the 10th of June, and am to thank you for the trouble you have given yourself, to procure me information on the subject of the commerce of your

State. I pray you also, to take the trouble of expressing my acknowledgments to the Governor and Chamber of Commerce, as well as to Mr. Hall, for the very precise details on this subject, with which they have been pleased to honor me. Your letter of last January, of which you make mention, never came to my hands. Of course, the papers now received are the first and only ones which have come safe. The infidelities of the post offices, both of England and France, are not unknown to you. The former are the most rascally, because they retain one's letters, not choosing to take the trouble of copying them. The latter, when they have taken copies, are so civil as to send the originals, resealed clumsily with a composition, on which they have previously taken the impression of the seal. England shews no dispositions to enter into friendly connections with us. On the contrary, her detention of our posts, seems to be the speck which is to produce a storm. I judge that a war with America would be a popular war in England. Perhaps the situation of Ireland may deter the ministry from hastening it on. Peace is at length made between the Emperor and Dutch. The terms are not published, but it is said, he gets ten millions of florins, the navigation of the Scheldt not quite to Antwerp, and two forts. However, this is not to be absolutely relied on. The league formed by the King of Prussia against the Emperor, is a most formidable obstacle to his ambitious designs. It certainly has defeated his views on Bavaria, and will render doubtful the election of his nephew to be King of the Romans. Matters are not yet settled between him and the Turk. In truth, he undertakes too much. At home he has made some good regulations.

Your present pursuit being (the wisest of all) agriculture, I am not in a situation to be useful to it. You know that France is not the country most celebrated for this art. I went the other day to see a plough which was to be worked by a windlass, without horses or oxen. It was a poor affair. With a very troublesome apparatus, applicable only to a dead level, four men could do the work of two horses. There seems a possibility that the great desideratum in the use of the balloon may be obtained. There are two persons at Javel (opposite to Auteuil) who are pushing this matter. They are able to rise and fall at will, without expending their gas, and they can deflect forty-five degrees from the course of the wind.

I took the liberty of asking you to order me a Charleston newspaper. The expense of French postage is so enormous, that I have been obliged to desire that my newspapers, from the different States, may be sent to the office for Foreign Affairs at New

York; and I have requested of Mr. Jay to have them always packed in a box, and sent by the French packets as merchandise, to the care of the American consul at L'Orient, who will send them on by the periodical wagons. Will you permit me to add this to the trouble I have before given you, of ordering the printer to send them, under cover to Mr. Jay, by such opportunities by water, as occur from time to time. This request must go to the acts of your Assembly also. I shall be on the watch to send you any thing that may appear here on the subjects of agriculture or the arts, which may be worth your perusal. I sincerely congratulate Mrs. Izard and yourself, on the double accession to your family by marriage and a new birth. My daughter values much your remembrance of her, and prays to have her respects presented to the ladies and yourself. In this I join her, and shall embrace with pleasure every opportunity of assuring you of the sincere esteem, with which I have the honor to be, Dear Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CXVI.

TO RICHARD O'BRYAN.

Paris, September 29, 1785.

SIR,

I have received your letter, and shall exert myself for you. Be assured of hearing from me soon: but say nothing to any body, except what may be necessary to comfort your companions. I add no more, because the fate of this letter is uncertain. I am, Sir,

your very humble servant,
TH: JEFFERSON.

LETTER CXVII.

TO MR. BELLINI.

Paris, September 30, 1785.

DEAR SIR,

Your estimable favor, covering a letter to Mr. Mazzei, came to hand on the 26th instant. The letter to Mr. Mazzei was put into his hands in the same moment, as he happened to be present. I

leave to him to convey to you all his complaints, as it will be more agreeable to me to express to you the satisfaction I received, on being informed of your perfect health. Though I could not receive the same pleasing news of Mrs. Bellini, yet the philosophy with which I am told she bears the loss of health, is a testimony the more, how much she deserved the esteem I bear her. Behold me at length on the vaunted scene of Europe! It is not necessary for your information, that I should enter into details concerning it. But you are, perhaps, curious to know how this new scene has struck a savage of the mountains of America. Not advantageously, I assure you. I find the general fate of humanity here, most deplorable. The truth of Voltaire's observation, offers itself perpetually, that every man here must be either the hammer or the anvil. It is a true picture of that country to which they say we shall pass hereafter, and where we are to see God and his angels in splendor, and crowds of the damned trampled under their feet. While the great mass of the people are thus suffering under physical and moral oppression, I have endeavored to examine more nearly the condition of the great, to appreciate the true value of the circumstances in their situation, which dazzle the bulk of spectators, and, especially, to compare it with that degree of happiness which is enjoyed in America, by every class of people. Intrigues of love occupy the younger, and those of ambition, the elder part of the great. Conjugal love having no existence among them, domestic happiness, of which that is the basis, is utterly unknown. In lieu of this, are substituted pursuits which nourish and invigorate all our bad passions, and which offer only moments of ecstacy, amidst days and months of restlessness and torment. Much, very much inferior, this, to the tranquil, permanent felicity with which domestic society in America, blesses most of its inhabitants; leaving them to follow steadily those pursuits which health and reason approve, and rendering truly delicious the intervals of those pursuits.

In science, the mass of the people is two centuries behind ours; their literati, half a dozen years before us. Books, really good, acquire just reputation in that time, and so become known to us, and communicate to us all their advances in knowledge. Is not this delay compensated, by our being placed out of the reach of that swarm of nonsensical publications, which issues daily from a thousand presses, and perishes almost in issuing? With respect to what are termed polite manners, without sacrificing too much the sincerity of language, I would wish my countrymen to adopt just so much of European politeness, as to be ready to make all those little sacrifices of self, which really render European manners ami-

able, and relieve society from the disagreeable scenes to which rudeness often subjects it. Here, it seems that a man might pass a life without encountering a single rudeness. In the pleasures of the table they are far before us, because, with good taste they unite temperance. They do not terminate the most sociable meals by transforming themselves into brutes. I have never yet seen a man drunk in France, even among the lowest of the people. Were I to proceed to tell you how much I enjoy their architecture, sculpture, painting, music, I should want words. It is in these arts they shine. The last of them, particularly, is an enjoyment, the deprivation of which with us, cannot be calculated. I am almost ready to say, it is the only thing which from my heart I envy them, and which, in spite of all the authority of the Decalogue, I do covet. But I am running on in an estimate of things infinitely better known to you than to me, and which will only serve to convince you, that I have brought with me all the prejudices of country, habit and age. But whatever I may allow to be charged to me as prejudice, in every other instance, I have one sentiment at least, founded on reality: it is that of the perfect esteem which your merit and that of Mrs. Bellini have produced, and which will for ever enable me to assure you of the sincere regard, with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXVIII.

TO JAMES MADISON, *of William and Mary College.*

Paris, October 2, 1785.

DEAR SIR,

I have duly received your favor of April the 10th, by Mr. Mazzei. You therein speak of a new method of raising water by steam, which you suppose will come into general use. I know of no new method of that kind, and suppose (as you say that the account you have received of it is very imperfect) that some person has represented to you, as new, a fire engine erected at Paris, and which supplies the greater part of the town with water. But this is nothing more than the fire engine you have seen described in the books of hydraulics, and particularly in the Dictionary of Arts and Sciences, published in 8vo, by Owen, the idea of which was first taken from Papin's Digester. It would have been better called the steam engine. The force of the steam of water, you

known is immense. In this engine, it is made to exert itself towards the working of pumps. That of Paris, is, I believe, the largest known, raising four hundred thousand cubic feet (French) of water, in twenty-four hours: or rather, I should have said, *those* of Paris, for there are two under one roof, each raising that quantity.

The Abbé Rochon not living at Paris, I have not had an opportunity of seeing him, and of asking him the questions you desire, relative to the crystal of which I wrote you. I shall avail myself of the earliest opportunity I can, of doing it. I shall cheerfully execute your commands as to the Encyclopedie, when I receive them. The price will be only thirty guineas. About half the work is out. The volumes of your Buffon which are spoiled, can be replaced here.

I expect that this letter will be carried by the Mr. Fitzhughs, in a ship from Havre to Portsmouth. I have therefore sent to Havre, some books which I expected would be acceptable to you. These are the Bibliothéque Physico-œconomique, which will give you most of the late improvements in the arts; the Connoissance des tems for 1786 and 1787, which is as late as they are published; and some pieces on air and fire, wherein you will find all the discoveries hitherto made on these subjects. These books are made into a packet, with your address on them, and are put into a trunk wherein is a small packet for Mr. Wythe, another for Mr. Page, and a parcel of books, without direction, for Peter Carr. I have taken the liberty of directing the trunk to you, as the surest means of its getting safe. I pay the freight of it here, so that there will be no new demands, but for the transportation from the ship's side to Williamsburg, which I will pray you to pay; and as much the greatest part is for my nephew, I will take care to repay it to you.

In the last volume of the Connoissance des tems, you will find the tables for the planet Herschel. It is a curious circumstance, that this planet was seen thirty years ago by Mayer, and supposed by him to be a fixed star. He accordingly determined a place for it, in his catalogue of the zodiacal stars, making it the 964th of that catalogue. Bode, of Berlin, observed in 1781, that this star was missing. Subsequent calculations of the motion of the planet Herschel, shew that it must have been, at the time of Mayer's observation, where he had placed his 964th star.

Herschel has pushed his discoveries of double stars, now, to upwards of nine hundred, being twice the number of those communicated in the Philosophical Transactions. You have probably seen, that a Mr. Pigott had discovered periodical variations of light in the star Algol. He has observed the same in the η of Antinous, and makes the period of variation seven days, four hours, and

thirty minutes, the duration of the increase sixty-three hours and of the decrease thirty-six hours. What are we to conclude from this? That there are suns which have their orbits of revolution too? But this would suppose a wonderful harmony in their planets, and present a new scene, where the attracting powers should be without, and not within the orbit. The motion of our sun would be a miniature of this. But this must be left to you astronomers.

I went some time ago, to see a machine which offers something new. A man had applied to a light boat, a very large screw, the thread of which was a thin plate, two feet broad, applied by its edge spirally round a small axis. It somewhat resembled a bottle brush, if you will suppose the hairs of the bottle brush joining together, and forming a spiral plane. This, turned on its axis in the air, carried the vessel across the Seine. It is, in fact, a screw which takes hold of the air and draws itself along by it: losing, indeed, much of its effort by the yielding nature of the body it lays hold of, to pull itself on by. I think it may be applied in the water, with much greater effect, and to very useful purposes. Perhaps it may be used also for the balloon.

It is impossible but you must have heard long ago, of the machine for copying letters at a single stroke, as we had received it in America before I left there. I have written a long letter to my nephew, in whose education I feel myself extremely interested. I shall rely much on your friendship for conducting him in the plan I mark out for him, and for guarding him against those shoals, on which youth sometimes shipwreck. I trouble you to present to Mr. Wythe my affectionate remembrance of him, and am, with very great esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXIX.

TO DR. FRANKLIN.

Paris, October 5, 1785.

DEAR SIR,

A vessel sailing from Havre to Philadelphia, furnishes the Messrs. Fitzhughs with a passage to that place. To them, therefore, I confide a number of letters and packets which I have received for you from sundry quarters, and which, I doubt not, they will deliver

safe. Among these is one from M. Du Plessis. On receipt of your letter, in answer to the one I had written you, on the subject of his memorial, I sent to M. La Motte, M. Chaumont, and wherever else I thought there was a probability of finding out Du Plessis' address. But all in vain. I meant to examine his memoir, as you desired, and to have it copied. Lately, he came and brought it with him, copied by himself. He desired me to read it, and enclose it to you, which I have done.

We have no public news worth communicating to you, but the signing of preliminaries between the Emperor and Dutch. The question is, then, with whom the Emperor will pick the next quarrel. Our treaty with Prussia goes by this conveyance. But it is not to be spoken of, till a convenient time is allowed for exchanging ratifications.

Science offers nothing new since your departure, nor any new publication worth your notice. All your friends here are well. Those in England, have carried you captive to Algiers. They have published a letter, as if written by Truxen, the 20th of August, from Algiers, stating the circumstances of the capture, and that you bore your slavery to admiration. I happened to receive a letter from Algiers, dated August the 24th, informing me that two vessels were then there, taken from us, and naming the vessels and captains. This was a satisfactory proof to us, that you were not there. The fact being so, we would have gladly dispensed with the proof, as the situation of our countrymen there, was described as very distressing.

Were I to mention all those who make inquiries after you, there would be no end to my letter. I cannot, however, pass over those of the good old Countess d'Hoditot, with whom I dined on Saturday, at Sanois. They were very affectionate. I hope you have had a good passage. Your essay in crossing the channel, gave us great hopes you would experience little inconvenience on the rest of the voyage. My wishes place you in the bosom of your friends, in good health, and with a well grounded prospect of preserving it long, for your own sake, for theirs, and that of the world.

I am, with the sincerest attachment and respect, Dear Sir,

your most obedient and

most humble servant,

TH: JEFFERSON.

LETTER CXX.

TO SAMUEL OSGOOD.

Paris, October 5, 1785.

DEAR SIR,

It was with very sincere pleasure, I heard of your appointment to the board of treasury, as well from the hope that it might not be disagreeable to yourself, as from the confidence that your administration would be wise. I heartily wish the States may, by their contributions, enable you to re-establish a credit, which cannot be lower than at present, to exist at all. This is partly owing to their real deficiencies, and partly to the lies propagated by the London papers, which are probably paid for by the minister, to reconcile the people to the loss of us. Unluckily, it indisposes them, at the same time, to form rational connections with us. Should this produce the amendment of our federal constitution, of which your papers give us hopes, we shall receive a permanent indemnification for a temporary loss.

All things here, promise an arrangement between the Emperor and Dutch. Their ministers have signed preliminary articles, some of which, however, leave room for further cavil. The Dutch pay ten millions of florins, yield some forts and territory, and the navigation of the Scheldt to Saftingen. Till our treaty with England be fully executed, it is desirable to us, that all the world should be in peace. That done, their wars would do us little harm.

I find myself under difficulties here, which I will take the liberty of explaining to you as a friend. Mr. Carmichael lately drew a bill on Mr. Grand for four thousand livres, I suppose, for his salary. Mr. Grand said, he was not used to accept drafts but by the desire of Dr. Franklin, and rested it on me to say, whether this bill should be paid or not. I thought it improper, that the credit of so confidential a person as Mr. Carmichael, should be affected by a refusal, and therefore advised payment. Mr. Dumas has drawn on me for twenty-seven hundred livres, his half year's salary, informing me he always drew on Dr. Franklin. I shall advise the payment. I have had loan office bills, drawn on the commissioners of the United States, presented to me. My answer has been, 'These are very old bills. Had they been presented while those gentlemen were in Europe, they would have been paid. You have kept them up till Dr. Franklin, the last of them, has returned to America; you must therefore send them there, and they will be paid. I am not the drawee described in the bill.' It is impossible

for me to meddle with these bills. The gentlemen who had been familiar with them, from the beginning, who kept books of them, and knew well the form of these books, often paid bills twice. But how can I interfere with them, who have not a scrip of a pen on their subject, who never saw a book relating to them, and who, if I had the books, should much oftener be bewildered in the labyrinth, than the gentlemen who have kept them? I think it, therefore, most advisable, that what bills remain out, should be sent back to America for payment, and therefore advise Mr. Barclay to return thither, all the books and papers relative to them. There, is the proper and ultimate deposit of all records of this nature. All these articles are very foreign to my talents, and foreign also, as I conceive, to the nature of my duties. Dr. Franklin was obliged to meddle with them, from the circumstances which existed. But, these having ceased, I suppose it practicable for your board to direct the administration of your monies here, in every circumstance. It is only necessary for me to draw my own allowances, and to order payment for services done by others, by my direction, and within the immediate line of my office; such as paying couriers, postage, and other extraordinary services, which must rest on my discretion, and at my risk, if disapproved by Congress. I will thank you for your advice on this subject, and if you think a resolution of your board necessary, I will pray you to send me such a one, and that it may relieve me from all concerns with the money of the United States, other than those I have just spoken of. I do not mean by this, to testify a disposition to render no service but what is rigorously within my duty. I am the farthest in the world from this; it is a question I shall never ask myself; nothing making me more happy than to render any service in my power, of whatever description. But I wish only to be excused from intermeddling in business, in which I have no skill, and should do more harm than good.

Congress were pleased to order me an advance of two quarters' salary. At that time, I supposed that I might refund it, or spare so much from my expenses, by the time the third quarter became due. Probably, they might expect the same. But it has been impossible. The expense of my outfit, though I have taken it up, on a scale as small as could be admitted, has been very far beyond what I had conceived. I have, therefore, not only been unable to refund the advance ordered, but been obliged to go beyond it. I wished to have avoided so much, as was occasioned by the purchase of furniture. But those who hire furniture, asked me forty per cent., a year, for the use of it. It was better to buy, therefore; and this article, clothes, carriage, &c. have amounted to

considerably more than the advance ordered. Perhaps, it may be thought reasonable to allow me an outfit. The usage of every other nation has established this, and reason really pleads for it. I do not wish to make a shilling; but only my expenses to be defrayed, and in a moderate style. On the most moderate, which the reputation or interest of those I serve, would admit, it will take me several years to liquidate the advances for my outfit. I mention this, to enable you to understand the necessities which have obliged me to call for more money than was probably expected, and, understanding them, to explain them to others. Being perfectly disposed to conform myself decisively, to what shall be thought proper, you cannot oblige me more, than by communicating to me your sentiments hereon, which I shall receive as those of a friend, and govern myself accordingly.

I am, with the most perfect esteem, Dear Sir,
your friend and servant,
TH: JEFFERSON.

LETTER CXXI.

TO JOHN JAY.

Paris, October 6, 1785.

SIR,

My letter of August the 30th, acknowledged the receipt of yours of July the 13th. Since that, I have received your letter of August the 13th, enclosing a correspondence between the Marquis de la Fayette and Monsieur de Calonnes, and another of the same date, enclosing the papers in Fortin's case. I immediately wrote to M. Limozin, at Havre, desiring he would send me a state of the case, and inform me what were the difficulties which suspended its decision. He has promised me, by letter, to do this as soon as possible, and I shall not fail in attention to it.

The Emperor and Dutch have signed preliminaries, which are now made public. You will see them in the papers which accompany this. They still leave a good deal to discussion. However, it is probable they will end in peace. The party in Holland, possessed actually of the sovereignty, wish for peace, that they may push their designs on the Stadtholderate. This country wishes for peace, because her finances need arrangement. The Bavarian exchange has produced to public view, that jealousy and rancour between the courts of Vienna and Berlin, which existed

before, though it was smothered. This will appear by the declarations of the two courts. The demarcation between the Emperor and Turk does not advance. Still, however, I suppose neither of those two germs of war likely to open soon. I consider the conduct of France as the best evidence of this. If she had apprehended a war from either of those quarters, she would not have been so anxious to leave the Emperor one enemy the less, by placing him at peace with the Dutch. While she is exerting all her powers to preserve peace by land, and making no preparation which indicates a fear of its being disturbed in that quarter, she is pushing her naval preparations, with a spirit unexampled in time of peace. By the opening of the next spring, she will have eighty ships, of seventy-four guns and upwards, ready for sea, at a moment's warning; and the further constructions proposed, will probably, within two years, raise the number to an hundred. New regulations have been made, too, for perfecting the classification of her seamen; an institution, which, dividing all the seamen of the nation into classes, subjects them to tours of duty by rotation, and enables government, at all times, to man their ships. Their works for rendering Cherbourg a harbor for their vessels of war, and Dunkirk, for frigates and privateers, leave now little doubt of success. It is impossible that these preparations can have in view, any other nation than the English. Of course, they shew a greater diffidence of their peace with them, than with any other power.

I mentioned to you, in my letter of August the 14th, that I had desired Captain John Paul Jones to inquire into the circumstances of Peyrouse's expedition. I have now the honor of enclosing you copies of my letter to him, and of his answer. He refuses to accept of any indemnification for his expenses, which is an additional proof of his disinterested spirit, and of his devotion to the service of America. The circumstances are obvious, which indicate an intention to settle factories, and not colonies, at least, for the present. However, nothing shews for what place they are destined. The conjectures are divided between New Holland, and the northwest coast of America.

According to what I mentioned in my letter of August the 30th, I have appointed Mr. Short my secretary here. I enclose to you copies of my letters to him and Mr. Grand, which will shew to Congress that he stands altogether at their pleasure. I mention this circumstance, that, if what I have done meets with their disapprobation, they may have the goodness to signify it immediately, as I should otherwise conclude that they do not disapprove it. I shall be ready to conform myself to what would be most agreeable to them.

This will be accompanied by the gazettes of France and Leyden, to the present date.

I have the honor to be, with sentiments of the highest esteem and respect, Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CXXII.

TO ELBRIDGE GERRY.

Paris, October 11, 1785.

DEAR SIR,

I received, last night, the letter signed by yourself and the other gentlemen, delegates of Massachusetts and Virginia, recommending Mr. Sayre for the Barbary negotiations. As that was the first moment of its suggestion to me, you will perceive by my letter of this day, to Mr. Jay, that the business was already established in other hands, as your letter came at the same time with the papers actually signed by Mr. Adams, for Messrs. Barclay and Lambe, according to arrangements previously taken between us. I should, with great satisfaction, have acceded to the recommendation in the letter: not indeed as to Morocco, because, no better man than Mr. Barclay could have been substituted; but as to Algiers, Mr. Lambe being less known to me. However, I hope well of him, and rely considerably on the aid he will receive from his secretary, Mr. Randall, who bears a very good character. I suppose Mr. Adams entitled to the same just apology, as matters were settled otherwise, before he probably received your letter. I pray you to communicate this to the other gentlemen of your and our delegation, as my justification.

The peace made between the Emperor and Dutch, leaves Europe quiet for this campaign. As yet, we do not know where the storm, dissipated for the moment, will gather again. Probably over Bavaria or Turkey. But this will be for another year.

When our instructions were made out, they were conceived on a general scale, and supposed that all the European nations would be disposed to form commercial connections with us. It is evident, however, that a very different degree of importance was annexed to these different states. Spain, Portugal, England and France, were most important. Holland, Sweden, Denmark, in a middling

degree. The others, still less so. Spain treats in another line. Portugal is disposed to do the same. England will not treat at all; nor will France, probably, add to her former treaty. Failing in the execution of these our capital objects, it has appeared to me, that the pushing the treaties with the lesser powers, might do us more harm than good, by hampering the measures the States may find it necessary to take, for securing those commercial interests, by separate measures, which is refused to be done here, in concert. I have understood through various channels, that the members of Congress wished a change in our instructions. I have, in my letter to Mr. Jay, of this date, mentioned the present situation and aspect of these treaties, for their information.

My letter of the 6th instant to Mr. Jay, having communicated what little there is new here, I have only to add assurances of the sincere esteem, with which I have the honor to be, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXXIII.

TO THE COUNT DE VERGENNES.

Paris, October 11, 1785.

SIR,

I have the honor of enclosing to your Excellency, a report of the voyage of an American ship, the first which has gone to China. The circumstance which induces Congress to direct this communication, is the very friendly conduct of the consul of his Majesty at Macao, and of the commanders and other officers of the French vessels, in those seas. It has been with singular satisfaction, that Congress have seen these added to the many other proofs of the cordiality of this nation towards our citizens. It is the more pleasing, when it appears in the officers of government, because, it is then viewed as an emanation of the spirit of the government. It would be an additional gratification to Congress, in this particular instance, should any occasion arise of notifying those officers, that their conduct has been justly represented to your Excellency, on the part of the United States, and has met your approbation. Nothing will be wanting, on our part, to foster corresponding dispositions in our citizens, and we hope that proofs of their actual existence have appeared, and will appear, whenever

occasion shall offer. A sincere affection between the two people, is the broadest basis on which their peace can be built.

It will always be among the most pleasing functions of my office, to be made the channel of communicating the friendly sentiments of the two governments. It is additionally so, as it gives me an opportunity of assuring your Excellency of the high respect and esteem, with which I have the honor to be,

your Excellency's

most obedient and

most humble servant,

TH: JEFFERSON.

LETTER CXXIV.

TO JOHN JAY.

Paris, October 11, 1785.

SIR,

In my letter of August the 14th, I had the honor of expressing to you the uneasiness I felt, at the delay of the instructions on the subject of the Barbary treaties, of which Mr. Lambe was the bearer, and of informing you that I had proposed to Mr. Adams, that if he did not arrive either in the French or English packets, then expected, we should send some person to negotiate these treaties. As he did not arrive in those packets, and I found Mr. Barclay was willing to undertake the negotiations, I wrote to Mr. Adams, (who had concurred in the proposition made him) informing him that Mr. Barclay would go, and proposing papers for our immediate signature. The day before the return of the courier, Mr. Lambe arrived with our instructions, the letters of credence, &c. enclosed in yours of March the 11th, 1785. Just about the same time, came to hand the letter No. 1, informing me, that two American vessels were actually taken and carried into Algiers, and leaving no further doubt that that power was exercising hostilities against us, in the Atlantic. The conduct of the Emperor of Morocco had been such, as forbade us to postpone his treaty to that with Algiers. But the commencement of hostilities by the latter, and their known activity, pressed the necessity of immediate propositions to them. It was therefore thought best, while Mr. Barclay should be proceeding with the Emperor of Morocco, that some other agent should go to Algiers. We had few subjects to choose out of. Mr. Lambe's knowledge of the country, of its inhabitants, of their manner of transacting business, the recommen-

dations from his State to Congress, of his fitness for this employment, and other information founding a presumption that he would be approved, occasioned our concluding to send him to Algiers. The giving him proper authorities, and new ones to Mr. Barclay conformable to our own new powers, was the subject of a new courier between Mr. Adams and myself. He returned last night, and I have the honor of enclosing you copies of all the papers we furnish those gentlemen with; which will possess Congress fully of our proceedings herein. They are numbered from two to ten inclusive. The supplementary instruction to Mr. Lambe, No. 5, must rest for justification on the emergency of the case. The motives which led to it, must be found in the feelings of the human heart, in a partiality for those sufferers who are of our own country, and in the obligations of every government to yield protection to their citizens, as the consideration for their obedience. It will be a comfort to know, that Congress does not disapprove this step.

Considering the treaty with Portugal among the most interesting to the United States, I some time ago, took occasion at Versailles, to ask of the Portuguese ambassador, if he had yet received from his court, an answer to our letter. He told me he had not, but that he would make it the subject of another letter. Two days ago, his secretaire d'ambassade called on me, with a letter from his minister to the ambassador, in which was the following paragraph, as he translated it to me; and I committed it to writing from his mouth. 'Your Excellency has communicated to us the substance of your conversation with the American minister. That power ought to have been already persuaded, by the manner in which its vessels have been received here; and consequently that his Majesty would have much satisfaction, in maintaining perfect harmony and good understanding with the same United States. But it would be proper to begin with the reciprocal nomination, on both sides, of persons, who, at least with the character of agents, might reciprocally inform their constituents, of what might conduce to a knowledge of the interests of the two nations, without prejudice to either. This first step appears necessary to lead to the proposed object.'

By this, it would seem, that this power is more disposed to pursue a track of negotiation, similar to that which Spain has done. I consider this answer as definitive of all further measures, under our commission to Portugal. That to Spain was superseded by proceedings in another line. That to Prussia is concluded by actual treaty; to Tuscany will probably be so; and perhaps to Denmark: and these, I believe, will be the sum of the effects of

our commissions for making treaties of alliance. England shews no disposition to treat. France, should her ministers be able to keep the ground of the *Arret* of August, 1784, against the clamors of her merchants, and should they be disposed, hereafter, to give us more, very probably will not bind herself to it by treaty, but keep her regulations dependant on her own will. Sweden will establish a free port at St. Bartholomews, which, perhaps, will render any new engagement, on our part, unnecessary. Holland is so immovable in her system of colony administration, that, as propositions to her, on that subject, would be desperate, they had better not be made. You will perceive by the letter No. 11, from the Marquis de la Fayette, that there is a possibility of an overture from the Emperor. A hint from the chargé des affaires of Naples, lately, has induced me to suppose something of the same kind from thence. But the advanced period of our commissions, now offers good cause for avoiding to begin, what probably cannot be terminated during their continuance; and with respect to these two, and all other powers not before mentioned, I doubt whether the advantages to be derived from treaties with them, will countervail the additional embarrassments they may impose on the States, when they shall proceed to make those commercial arrangements, necessary to counteract the designs of the British cabinet. I repeat it, therefore, that the conclusion of the treaty with Prussia, and the probability of others with Denmark, Tuscany and the Barbary States, may be expected to wind up the proceedings of the general commissions. I think that, in possible events, it may be advantageous to us, by treaties with Prussia, Denmark and Tuscany, to have secured ports in the Northern and Mediterranean seas. I have the honor to be, with sentiments of the highest respect and esteem, Sir,

your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER CXXV.

TO MESSRS. VAN STAPHORST.

Paris, October 12, 1785.

GENTLEMEN,

The receipt of your favor, of September the 19th, should not have been so long unacknowledged, but that I have been peculiarly and very closely engaged ever since it came to hand.

With respect to the expediency of the arrangement you propose to make with Mr. Parker, I must observe to you, that it would be altogether out of my province to give an official opinion, for your direction. These transactions appertain altogether to the commissioners of the treasury, to whom you have very properly written on the occasion. I shall always be willing, however, to apprise you of any facts I may be acquainted with, and which might enable you to proceed with more certainty; and even to give my private opinion, where I am acquainted with the subject, leaving you the most perfect liberty to give it what weight you may think proper. In the present case, I cannot give even a private opinion, because I am not told what are precisely the securities offered by Mr. Parker. So various are the securities of the United States, that unless they are precisely described by their dates, consideration, and other material circumstances, no man on earth can say what they are worth. One fact, however, is certain, that all debts of any considerable amount contracted by the United States, while their paper money existed, are subject to a deduction, and not payable at any fixed period. I think I may venture to say, also, that there are no debts of the United States, 'on the same footing with the money loaned by Holland,' except those due to the Kings of France and Spain. However, I hope you will soon receive the answer of the commissioners, which alone can decide authoritatively what is to be done.

Congress have thought proper to entrust to Mr. Adams and myself a certain business, which may eventually call for great advances of money: perhaps, four hundred thousand livres or upwards. They have authorised us to draw for this on their funds in Holland. The separate situation of Mr. Adams and myself, rendering joint drafts inconvenient, we have agreed that they shall be made by him alone. You will be pleased, therefore, to give the same credit to these bills, drawn by him, as if they were also subscribed by me.

I have the honor to be, with high respect, Gentlemen,
your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER CXXVI.

TO MONSIEUR DESBORDES.

Paris, October 12, 1785.

SIR,

There are, in the prison of St. Pol de Leon, six or seven citizens of the United States of America, charged with having attempted a contraband of tobacco, but, as they say themselves, forced into that port by stress of weather. I believe that they are innocent. Their situation is described me to be as deplorable, as should be that of men found guilty of the worst of crimes. They are in close jail, allowed three sous a day only, and unable to speak a word of the language of the country. I hope their distress, which it is my duty to relieve, and the recommendation of Mr. Barclay to address myself to you, will apologise for the liberty I take, of asking you to advise them what to do for their defence, to engage some good lawyer for them, and to pass to them the pecuniary reliefs necessary. I write to Mr. Lister Asquith, the owner of the vessel, that he may draw bills on me, from time to time, for a livre a day for every person of them, and for what may be necessary to engage a lawyer for him. I will pray the favor of you to furnish him money for his bills, drawn on me for these purposes, which I will pay on sight. You will judge if he should go beyond this allowance, and be so good as to reject the surplus. I must desire his lawyer to send me immediately a state of their case, and let me know in what court their process is, and when it is likely to be decided. I hope the circumstances of the case will excuse the freedom I take; and I have the honor to be, with great respect, Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER CXXVII.

TO HOGENDORP.

Paris, October 13, 1785.

DEAR SIR,

Having been much engaged lately, I have been unable sooner to acknowledge the receipt of your favor, of September the 8th. What you are pleased to say on the subject of my Notes, is more

than they deserve. The condition in which you first saw them, would prove to you how hastily they had been originally written; as you may remember the numerous insertions I had made in them, from time to time, when I could find a moment for turning to them from other occupations. I have never yet seen Monsieur de Buffon. He has been in the country all the summer. I sent him a copy of the book, and have only heard his sentiments on one particular of it, that of the identity of the mammoth and elephant. As to this, he retains his opinion that they are the same. If you had formed any considerable expectations from our revised code of laws, you will be much disappointed. It contains not more than three or four laws which could strike the attention of a foreigner. Had it been a digest of all our laws, it would not have been comprehensible or instructive, but to a native. But it is still less so, as it digests only the British statutes and our own acts of Assembly, which are but a supplementary part of our law. The great basis of it is anterior to the date of the Magna Charta, which is the oldest statute extant. The only merit of this work, is, that it may remove from our book shelves about twenty folio volumes of statutes, retaining all the parts of them, which, either their own merit or the established system of laws required.

You ask me what are those operations of the British nation, which are likely to befriend us, and how they will produce this effect? The British government, as you may naturally suppose, have it much at heart to reconcile their nation to the loss of America. This is essential to the repose, perhaps, even to the safety of the King and his ministers. The most effectual engines for this purpose, are the public papers. You know well, that that government always kept a kind of standing army of news-writers, who, without any regard to truth, or to what should be like truth, invented, and put into the papers whatever might serve the ministers. This suffices with the mass of the people, who have no means of distinguishing the false, from the true paragraphs of a newspaper. When forced to acknowledge our independence, they were forced to redouble their efforts to keep the nation quiet. Instead of a few of the papers, formerly engaged, they now engaged every one. No paper, therefore, comes out without a dose of paragraphs against America. These are calculated for a secondary purpose also, that of preventing the emigrations of their people to America. They dwell very much on American bankruptcies. To explain these, would require a long detail; but would shew you that nine tenths of these bankruptcies are truly English bankruptcies, in no wise chargeable on America. However, they have produced effects the most desirable of all others for us. They have destroy-

ed our credit, and thus checked our disposition to luxury; and, forcing our merchants to buy no more than they have ready money to pay for, they force them to go to those markets where that ready money will buy most. Thus you see, they check our luxury, they force us to connect ourselves with all the world, and they prevent foreign emigrations to our country, all of which I consider as advantageous to us. They are doing us another good turn. They attempt, without disguise, to possess themselves of the carriage of our produce, and to prohibit our own vessels from participating of it. This has raised a general indignation in America. The States see, however, that their constitutions have provided no means of counteracting it. They are therefore beginning to vest Congress with the absolute power of regulating their commerce, only reserving all revenue arising from it, to the State in which it is levied. This will consolidate our federal building very much, and for this, we shall be indebted to the British.

You ask what I think on the expediency of encouraging our States to be commercial? Were I to indulge my own theory, I should wish them to practise neither commerce nor navigation, but to stand, with respect to Europe, precisely on the footing of China. We should thus avoid wars, and all our citizens would be husbandmen. Whenever, indeed, our numbers should so increase, as that our produce would overstock the markets of those nations who should come to seek it, the farmers must either employ the surplus of their time in manufactures, or the surplus of our hands must be employed in manufactures, or in navigation. But that day would, I think, be distant, and we should long keep our workmen in Europe, while Europe should be drawing rough materials, and even subsistence, from America. But this is theory only, and a theory which the servants of America are not at liberty to follow. Our people have a decided taste for navigation and commerce. They take this from their mother country; and their servants are in duty bound to calculate all their measures on this datum: we wish to do it by throwing open all the doors of commerce, and knocking off its shackles. But as this cannot be done for others, unless they will do it for us, and there is no great probability that Europe will do this, I suppose we shall be obliged to adopt a system which may shackle them in our ports, as they do us in theirs.

With respect to the sale of our lands, that cannot begin till a considerable portion shall have been surveyed. They cannot begin to survey till the fall of the leaf of this year, nor to sell, probably till the ensuing spring. So that it will be yet a twelvemonth, before we shall be able to judge of the efficacy of our land office, to sink our national debt. It is made a fundamental, that the pro-

ceeds shall be solely and sacredly applied as a sinking fund, to discharge the capital only of the debt.

It is true that the tobaccos of Virginia go almost entirely to England. The reason is, the people of that State owe a great debt there, which they are paying as fast they can. I think I have now answered your several queries, and shall be happy to receive your reflections on the same subjects, and at all times to hear of your welfare, and to give you assurances of the esteem, with which I have the honor to be, Dear Sir,

your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER CXXVIII.

TO J. BANNISTER, JUNIOR.

Paris, October 15, 1785.

DEAR SIR,

I should sooner have answered the paragraph in your letter, of September the 19th, respecting the best seminary for the education of youth, in Europe, but that it was necessary for me to make inquiries on the subject. The result of these has been, to consider the competition as resting between Geneva and Rome. They are equally cheap, and probably are equal in the course of education pursued. The advantage of Geneva, is, that students acquire there the habit of speaking French. The advantages of Rome, are, the acquiring a local knowledge of a spot so classical and so celebrated; the acquiring the true pronunciation of the Latin language; a just taste in the fine arts, more particularly those of painting, sculpture, architecture, and music; a familiarity with those objects and processes of agriculture, which experience has shewn best adapted to a climate like ours; and lastly, the advantage of a fine climate for health. It is probable, too, that by being boarded in a French family, the habit of speaking that language may be obtained. I do not count on any advantage to be derived in Geneva, from a familiar acquaintance with the principles of that government. The late revolution has rendered it a tyrannical aristocracy, more likely to give ill, than good ideas to an American. I think the balance in favor of Rome. Pisa is sometimes spoken of, as a place of education. But it does not

offer the first and third of the advantages of Rome. But why send an American youth to Europe for education? What are the objects of an useful American education? Classical knowledge, modern languages, chiefly French, Spanish and Italian; Mathematics, Natural philosophy, Natural history, Civil history, and Ethics. In Natural philosophy, I mean to include Chemistry and Agriculture, and in Natural history, to include Botany, as well as the other branches of those departments. It is true that the habit of speaking the modern languages, cannot be so well acquired in America; but every other article can be as well acquired at William and Mary college, as at any place in Europe. When college education is done with, and a young man is to prepare himself for public life, he must cast his eyes (for America) either on Law or Physic. For the former, where can he apply so advantageously as to Mr. Wythe? For the latter, he must come to Europe: the medical class of students, therefore, is the only one which need come to Europe. Let us view the disadvantages of sending a youth to Europe. To enumerate them all, would require a volume. I will select a few. If he goes to England, he learns drinking, horse racing and boxing. These are the peculiarities of English education. The following circumstances are common to education in that, and the other countries of Europe. He acquires a fondness for European luxury and dissipation, and a contempt for the simplicity of his own country; he is fascinated with the privileges of the European aristocrats, and sees, with abhorrence, the lovely equality which the poor enjoy with the rich, in his own country; he contracts a partiality for aristocracy or monarchy; he forms foreign friendships which will never be useful to him, and loses the season of life for forming in his own country, those friendships, which, of all others, are the most faithful and permanent; he is led by the strongest of all the human passions, into a spirit for female intrigue, destructive of his own and others' happiness, or a passion for whores, destructive of his health, and, in both cases, learns to consider fidelity to the marriage bed as an ungentlemanly practice, and inconsistent with happiness; he recollects the voluptuary dress and arts of the European women, and pities and despises the chaste affections and simplicity of those of his own country; he retains, through life, a fond recollection, and a hankering after those places, which were the scenes of his first pleasures and of his first connections; he returns to his own country, a foreigner, unacquainted with the practices of domestic economy, necessary to preserve him from ruin, speaking and writing his native tongue as a foreigner, and therefore unqualified to obtain those distinctions, which eloquence of the pen and tongue

ensures in a free country; for I would observe to you, that what is called style in writing or speaking, is formed very early in life, while the imagination is warm, and impressions are permament. I am of opinion, that there never was an instance of a man's writing or speaking his native tongue with elegance, who passed from fifteen to twenty years of age, out of the country where it was spoken. Thus, no instance exists of a person's writing two languages perfectly. That will always appear to be his native language, which was most familiar to him in his youth. It appears to me then, that an American coming to Europe for education, loses in his knowledge, in his morals, in his health, in his habits, and in his happiness. I had entertained only doubts on this head, before I came to Europe: what I see and hear, since I came here, proves more than I had even suspected. Cast your eye over America: who are the men of most learning, of most eloquence, most beloved by their countrymen, and most trusted and promoted by them? They are those who have been educated among them, and whose manners, morals and habits, are perfectly homogeneous with those of the country.

Did you expect by so short a question, to draw such a sermon on yourself? I dare say you did not. But the consequences of foreign education are alarming to me, as an American. I sin, therefore, through zeal, whenever I enter on the subject. You are sufficiently American to pardon me for it. Let me hear of your health, and be assured of the esteem with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXXIX.

TO MR. CARMICHAEL.

Paris, October 18, 1785.

DEAR SIR,

Your favor of the 29th of September, came safely to hand: the constant expectation of the departure of the persons whom I formerly gave you reason to expect, has prevented my writing, as it has done yours. They will probably leave this in a week, but their route will be circuitous and attended with delays. Between the middle and last of November, they may be with you. By them, you will receive a cypher, by which you may communicate with Mr. Adams and myself. I should have sent it by Baron

Dreyer, the Danish minister; but I then expected our own conveyance would have been quicker. Having mentioned this gentleman, give me leave to recommend him to your acquaintance. He is plain, sensible, and open: he speaks English well, and had he been to remain here, I should have cultivated his acquaintance much. Be so good as to present me very respectfully to him.

This being to go by post, I shall only add the few articles of general American news, by the last packet. Dr. Franklin arrived in good health at Philadelphia, the 15th ult., and was received amidst the acclamations of an immense crowd. No late event has produced greater demonstrations of joy. It is doubted whether Congress will adjourn this summer; but they are so thin, they do not undertake important business. Our western posts are in statu quo.

I have the honor to be, with great esteem, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXXX.

TO MESSRS. VAN STAPHORSTS.

Paris, October 25, 1785.

GENTLEMEN,

I received yesterday your favor of the 20th instant. In order to give you the information you desire, on the subject of the *liquidated* debts of the United States, and the comparative footing on which they stand, I must observe to you, that the first and great division of our federal debt, is, into 1. foreign; and 2. domestic. The foreign debt comprehends, 1. the loan from the government of Spain; 2. the loans from the government of France, and from the Farmers General; 3. the loans negotiated in Holland, by order of Congress. This branch of our debt stands absolutely singular: no man in the United States having ever supposed, that Congress, or their legislatures, can, in any wise, modify or alter it. They justly view the United States as the one party, and the lenders as the other, and that the consent of both would be requisite, were any modification to be proposed. But with respect to the domestic debt, they consider Congress as representing both the borrowers and lenders, and that the modifications which have taken place in this, have been necessary to do justice between the two parties, and that they flowed properly from Congress as their mutual umpire. The domestic debt comprehends

1. the army debt; 2. the loan office debt; 3. the liquidated debt; and 4. the unliquidated debt. The first term includes debts to the officers and soldiers for pay, bounty and subsistence. The second term means monies put into the loan office of the United States. The third comprehends all debts contracted by quarter masters, commissaries, and others duly authorised to procure supplies for the army, and which have been liquidated (that is, settled) by commissioners appointed under the resolution of Congress, of June the 12th, 1780, or by the officer who made the contract. The fourth comprehends the whole mass of debts, described in the preceding article, which have not yet been liquidated. These are in a course of liquidation, and are passing over daily into the third class. The debts of this third class, that is, the liquidated debt, is the object of your inquiry. No time is fixed for the payment of it, no fund as yet determined, nor any firm provision for the interest in the mean time. The consequence is, that the certificates of these debts sell greatly below par. When I left America, they could be bought for, from two shillings and sixpence to fifteen shillings, in the pound: this difference proceeding from the circumstance, of some States' having provided for paying the interest on those due in their own State, which others had not. Hence, an opinion had arisen with some, and propositions had even been made in the legislatures, for paying off the principal of these debts with what they had cost the holder, and interest on that. This opinion is far from being general, and I think will not prevail. But it is among possible events.

I have been thus particular, that you might be able to judge, not only in the present case, but also in others, should any attempts be made to speculate in your city, on these papers. It is a business, in which foreigners will be in great danger of being duped. It is a science which bids defiance to the powers of reason. To understand it, a man must not only be on the spot, and be perfectly possessed of all the circumstances relative to every species of these papers, but he must have that dexterity which the habit of buying and selling them, alone gives. The brokers of these certificates are few in number, and any other person venturing to deal with them, engages in a very unequal contest.

I have the honor to be, with the highest respect, gentlemen,
your most obedient humble servant,

TH: JEFFERSON.

LETTER CXXXI.

TO WILLIAM CARMICHAEL.

Paris, November 4, 1785.

DEAR SIR,

I had the honor of writing you on the 18th of October, and again, on the 25th of the same month. Both letters, being to pass through the post offices, were confined to particular subjects. The first of them acknowledged the receipt of yours, of September the 29th.

At length, a confidential opportunity arrives for conveying to you a cypher; it will be handed you by the bearer, Mr. Lambe. Copies of it are in the hands of Mr. Adams, at London, Mr. Barclay, who is proceeding to Morocco, and Mr. Lambe, who is proceeding to Algiers. This enables us to keep up such correspondences with each other, as may be requisite. Congress, in the spring of 1784, gave powers to Mr. Adams, Dr. Franklin and myself, to treat with the Barbary States. But they gave us no money for them, and the other duties assigned us rendered it impossible for us to proceed thither in person. These things having been represented to them, they assigned to us a certain sum of money, and gave us powers to delegate agents to treat with those States, and to form preliminary articles, but confining to us the signing of them in a definitive form. They did not restrain us in the appointment of the agents; but the orders of Congress were brought to us by Mr. Lambe, they had waited for him four months, and the recommendations he brought, pointed him out, in our opinion, as a person who would meet the approbation of Congress. We therefore appointed him to negotiate with the Algerines. His manners and appearance are not promising. But he is a sensible man, and seems to possess some talents which may be proper in a matter of bargain. We have joined with him, as secretary, a Mr. Randall, from New York, in whose prudence we hope he will find considerable aid. They now proceed to Madrid, merely with the view of seeing you, as we are assured they will receive from you lights which may be useful to them. I hear that d'Expilly and the Algerine ministers have gone from Madrid. Letters from Algiers, of August the 24th, inform me, that we had two vessels and their crews in captivity there, at that time. I have never had reason to believe certainly, that any others had been captured. Should Mr. Lambe have occasion to draw bills, while in Spain, on Mr. Adams, you may safely assure the purchasers that they will be paid.

An important matter detains Mr. Barclay some days longer, and his journey to Madrid will be circuitous. Perhaps he may arrive there a month later than Lambe. It would be well if the Emperor of Morocco could, in the mean time, know that such a person is on the road. Perhaps you may have an opportunity of notifying this to him officially, by asking from him passports for Mr. Barclay and his suite. This would be effecting two good purposes at once, if you can find an opportunity.

Your letter of September the 2nd, did not get to my hands till these arrangements were all taken between Mr. Adams and myself, and the persons appointed. That gave me the first hint that you would have acted in this business. I mean no flattery when I assure you, that no person would have better answered my wishes. At the same time, I doubt whether Mr. Adams and myself should have thought ourselves justifiable, in withdrawing a servant of the United States, from a post equally important with those, which prevented our acting personally in the same business. I am sure, that, remaining where you are, you will be able to forward much the business, and that you will do it with the zeal you have hitherto manifested on every occasion.

Your intercourse with America being less frequent than ours, from this place, I will state to you, generally, such new occurrences there, as may be interesting; some of which, perhaps, you will not have been informed of. It was doubtful, at the date of my last letters, whether Congress would adjourn this summer. They were too thin, however, to undertake important business. They had begun arrangements for the establishment of a mint. The Dollar was decided on as the money Unit of America. I believe, they proposed to have gold, silver and copper coins, descending and ascending decimally; viz. a gold coin of ten dollars, a silver coin of one tenth of a dollar (equal to a Spanish bit), and a copper, of one hundredth of a dollar. These parts of the plan, however, were not ultimately decided on. They have adopted the late improvement in the British post office, of sending their mails by the stages. I am told, this is done from New Hampshire to Georgia, and from New York to Albany. Their treasury is administered by a board, of which Mr. Walter Livingston, Mr. Osgood, and Dr. Arthur Lee, are members. Governor Rutledge, who had been appointed minister to the Hague, on the refusal of Governor Livingston, declines coming. We are uncertain whether the States will generally come into the proposition, of investing Congress with the regulation of their commerce. Massachusetts has passed an act, the first object of which seemed to be, to retaliate on the British commercial measures, but in the close of it, they impose double duties on all

goods imported in bottoms not wholly owned by citizens of our States. New Hampshire has followed the example. This is much complained of here, and will probably draw retaliating measures from the States of Europe, if generally adopted in America, or not corrected by the States which have adopted it. It must be our endeavor to keep them quiet on this side the water, under the hope that our countrymen will correct this step; as I trust they will do. It is no ways akin to their general system. I am trying here, to get contracts for the supplying the cities of France with whale oil, by the Boston merchants. It would be the greatest relief possible to that State, whose commerce is in agonies, in consequence of being subjected to alien duties on their oil, in Great Britain, which has been heretofore their only market. Can any thing be done, in this way, in Spain? Or do they there light their streets in the night?

A fracas which has lately happened in Boston, becoming a serious matter, I will give you the details of it, as transmitted to Mr. Adams in depositions. A Captain Stanhope, commanding the frigate Mercury, was sent with a convoy of vessels from Nova Scotia to Boston, to get a supply of provisions for that colony. It had happened, that two persons living near Boston, of the names of Dunbar and Lowthorp, had been taken prisoners during the war, and transferred from one vessel to another, till they were placed on board Stanhope's ship. He treated them most cruelly, whipping them frequently, in order to make them do duty against their country, as sailors, on board his ship. The ship going to Antigua to refit, he put all his prisoners into jail, first giving Dunbar twenty-four lashes. Peace took place, and the prisoners got home under the general liberation. These men were quietly pursuing their occupations at home, when they heard that Stanhope was in Boston. Their indignation was kindled. They immediately went there, and, meeting Stanhope walking in the mall, Dunbar stepped up to him, and asked him if he recollected him, and the whipping him on board his ship. Having no weapon in his hand, he struck at Stanhope with his fist. Stanhope stepped back, and drew his sword. The people interposed, and guarded him to the door of a Mr. Morton, to which he retreated. There, Dunbar again attempted to seize him; but the high sheriff had by this time arrived, who interposed and protected him. The assailants withdrew, and here ended all appearance of force. But Captain Stanhope thought proper to write to the Governor, which brought on the correspondence published in the papers of Europe. Lest you should not have seen it, I enclose it, as cut from a London paper; though not perfectly exact, it is substantially so. You will

doubtless judge, that Governor Bowdoin referred him properly to the laws for redress, as he was obliged to do, and as would have been done in England, in a like case. Had he applied to the courts, the question would have been, whether they would have punished Dunbar? This must be answered now by conjecture only; and, to form that conjecture, every man must ask himself, whether he would not have done as Dunbar did? And whether the people should not have permitted him, to return to Stanhope the twenty-four lashes? This affair has been stated in the London papers, without mixing with it one circumstance of truth.

In your letter of the 27th of June, you were so good as to tell me, that you should shortly send off some of the books I had taken the liberty to ask you to get for me, and that your correspondent at Bayonne, would give me notice of their arrival there. Not having heard from him, I mention it to you, lest they should be stopped any where.

I am, with great respect, Dear Sir,
your most obedient humble servant,
TH: JEFFERSON.

LETTER CXXXII.

TO RICHARD O'BRYAN.

Paris, November 4, 1785.

SIR,

I wrote you a short letter on the 29th of September, acknowledging the receipt of yours of August the 24th, from Algiers, and promising that you should hear further from me soon. Mr. Adams, the American minister at London, and myself, have agreed to authorise the bearer hereof, Mr. Lambe, to treat for your redemption, and that of your companions taken in American vessels, and, if it can be obtained for sums within our power, we shall have the money paid. But in this, we act without instruction from Congress, and are therefore obliged to take the precaution of requiring, that you bind your owners for yourself and crew, and the other captain, in like manner, his owners for himself and crew, and that each person, separately, make himself answerable for his own redemption, in case Congress requires it. I suppose Congress will not require it: but we have no authority to decide that, but must leave it to their own decision; which renders necessary the precautions I have mentioned, in order to justify ourselves

for undertaking to redeem you, without orders. Mr. Lambe is instructed to make no bargain without your approbation, and that of the other prisoners, each for himself. We also direct him to relieve your present necessities. I sincerely wish you a speedy deliverance from your distresses, and a happy return to your family.

I am, Sir, your most obedient humble servant,

TH: JEFFERSON.

LETTER CXXXIII.

TO W. W. SEWARD.

Paris, November 12, 1785.

SIR,

I received the honor of your letter, of the 25th ult., written by desire of the associated company of Irish merchants, in London, and return you thanks for the kind congratulations you express therein. The freedom of commerce between Ireland and America, is undoubtedly very interesting to both countries. If fair play be given to the natural advantages of Ireland, she must come in for a distinguished share of that commerce. She is entitled to it, from the excellence of some of her manufactures, the cheapness of most of them, their correspondence with the American taste, a sameness of language, laws and manners, a reciprocal affection between the people, and the singular circumstance of her being the nearest European land to the United States. I am not, at present, so well acquainted with the trammels of Irish commerce, as to know what they are, particularly, which obstruct the intercourse between Ireland and America; nor therefore, what can be the object of a fleet stationed in the western ocean, to intercept that intercourse. Experience, however, has taught us to infer that the fact is probable, because it is impolitic. On the supposition that this interruption will take place, you suggest Ostend as a convenient enterpôt for the commerce between America and Ireland. Here too, I find myself, on account of the same ignorance of your commercial regulations, at a loss to say why this is preferable to L'Orient, which, you know, is a free port and in great latitude, which is nearer to both parties, and accessible by a less dangerous navigation. I make no doubt, however, that the reasons of the preference are good. You find by this essay, that I am not likely to be a very instructive correspondent: you shall find me, however,

zealous in whatever may concern the interests of the two countries. The system into which the United States wished to go, was that of freeing commerce from every shackle. A contrary conduct in Great Britain, will occasion them to adopt the contrary system, at least, as to that island. I am sure they would be glad, if it should be found practicable, to make that discrimination between Great Britain and Ireland, which their commercial principles, and their affection for the latter, would dictate.

I have the honor to be, with the highest respect for yourself and the company for whom you write, Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CXXXIV.

TO THE COUNT DE VERGENNES.

Paris, November 14, 1785.

SIR,

I take the liberty of troubling your Excellency on behalf of six citizens of the United States, who have been, for some time, confined in the prison of St. Pol de Leon, and of referring for particulars, to the enclosed state of their case. Some of the material facts therein mentioned, are founded on the bill of sale for the vessel, her clearance from Baltimore, and her log book. The originals of the two last, and a copy of the first, are in my hands. I have, also, letters from a merchant in Liverpool to Asquith, which render it really probable that his vessel was bound to Liverpool. The other circumstances depend on their affirmation, but I must say, that in these facts, they have been uniform and steady. I have thus long avoided troubling your Excellency with this case, in hopes it would receive its decision, in the ordinary course of law, and I relied, that that would indemnify the sufferers, if they had been used unjustly: but though they have been in close confinement, now near three months, it has yet no appearance of approaching to decision. In the mean time, the cold of the winter is coming on, and, to men in their situation, may produce events which would render all indemnification too late. I must, therefore, pray the assistance of your Excellency, for the liberation of their persons, if the established order of things may possibly admit of it. As to their property, and their personal sufferings hitherto, I

have full confidence that the laws have provided some tribunal, where justice will be done them. I enclose the opinion of an advocate, forwarded to me by a gentleman whom I had desired to obtain, from some judicious person of that faculty, a state of their case. This may perhaps give a better idea than I can, of the situation of their cause. His inquiries have led him to believe they are innocent men, but that they must lose their vessel under the edict, which forbids those under thirty tons to approach the coast. Admitting their innocence, as he does, I should suppose them not the objects, on whom such an edict was meant to operate. The essential papers, which he says they re-demanded from him, and did not return, were sent to me, at my desire.

I am, with sentiments of the highest respect, your Excellency's most obedient and most humble servant,

TH: JEFFERSON.

The case of Lister Asquith, owner of the schooner William and Catharine, William M'Neil, captain, William Thomson, William Neily, Robert Anderson, mariners, and William Fowler, passenger.

Lister Asquith, citizen of the State of Maryland, having a law-suit depending in England, which required his presence, as involving in its issue nearly his whole fortune, determined to go thither in a small schooner of his own, that he might, at the same time, take with him an adventure of tobacco and flour to Liverpool, where he had commercial connections. This schooner, he purchased as of fifty-nine and a quarter tons, as appears by his bill of sale, but she had been registered by her owner at twenty-one tons, in order to evade the double duties in England, to which American vessels are now subject. He cleared out from Baltimore for Liverpool, the 11th of June 1785, with eight hogsheads of tobacco and sixty barrels of flour, but ran aground at Smith's point, sprung a leak, and was obliged to return to Baltimore, to refit. Having stopped his leak, he took his cargo on board again, and his health being infirm, he engaged Captain William M'Neil* to go with him, and, on the 20th of June, sailed for Norfolk in

* This was the officer, who, on the evacuation of Fort Mifflin, after the British had passed the chevaux de frise on the Delaware, was left with fifteen men to destroy the works, which he did, and brought off his men successfully. He had before that, been commander of the Rattlesnake sloop of war, and had much annoyed the British trade. Being bred a seaman, he has returned to that vocation.

Virginia, and, on the 22nd, came to in Hampton road, at the mouth of the river on which Norfolk is. Learning here, that tobacco would be better than flour for the English market, he landed fifty barrels of his flour and one hogshead of tobacco, which he found to be bad, meaning to take, instead thereof, nine hogsheads of tobacco more. But the same night it began to blow very hard, with much rain. The 23d, the storm became more heavy; they let go both their anchors, but were driven, notwithstanding, from their anchorage, forced to put to sea and to go before the wind. The occurrences of their voyage will be best detailed by short extracts from the logbook.

June 24. The weather becomes worse. One of the fore shrouds and the foremast, carried away.

25. Shifted their ballast which threw them on their beam ends, and shipped a very heavy sea.

Held a consultation; the result of which, was, that seeing they were now driven so far to sea, and the weather continuing still very bad, it was better to steer for Liverpool, their port of destination, though they had not their cargo on board, and no other clearance but that which they took from Baltimore.

June 29. The first observation they had been able to take N. lat. 38° 13′.

30. Winds begin to be light, but the sea still very heavy.

July 5. Light winds and a smooth sea for the first time, in lat. 43° 12′.

9. Spoke a French brig, Comte D'Artois, Captain Mieaux, from St. Maloes, in distress for provisions. Relieved her with three barrels of flour.

Aug. 6. Thick weather and a strong wind.

Made the Lands End of England.

7. Unable to fetch the land, therefore bore off for Scilly, and came to with both anchors. Drove, notwithstanding, and obliged to get up the anchors, and put to sea, running southwardly.

8. Made the land of France, but did not know what part.

Here the logbook ends. At this time they had on board but ten gallons of water, four or five barrels of bread, two or three pounds of candles, no firewood. Their sails unfit to be trusted to, any longer, and all their materials for mending them, exhausted by the constant repairs which the violence of the weather had called for. They therefore took a pilot aboard, who carried them

into Pont Duval; but being informed by the captain of a vessel there, that the schooner was too sharp built (as the American vessels mostly are) to lie in that port, they put out immediately, and the next morning, the pilot brought them to anchor in the road of the Isle de Bas. Asquith went immediately to Roscaff, protested at the admiralty the true state of his case, and reported his vessel and cargo at the custom house. In making the report of his vessel, he stated her as of twenty-one tons, according to his register. The officer informed him that if she was no larger, she would be confiscated by an edict, which forbids all vessels, under thirty tons, to appoach the coast. He told the officer what was the real truth as to his register and his bill of sale, and was permitted to report her according to the latter. He paid the usual fees of ten livres and seven sols, and obtained a clearance. Notwithstanding this, he was soon visited by other persons, whom he supposes to have been commis of the Fermes, who seised his vessel, carried her to the pier, and confined the crew to the vessel and half the pier, putting centinels over them. They brought a guager, who measured only her hold and part of her steerage, allowing nothing for the cockpit, cabin, forecastle, and above one half of the steerage, which is almost half the vessel, and thus made her contents (if that had been of any importance) much below the truth. The tobacco was weighed, and found to be six thousand four hundred and eighty-seven pounds,* which was sent on the 18th, to Landivisian, and on the 19th, they were committed to close prison at St. Pol de Leon, where they have been confined ever since. They had, when they first landed, some money, of which they were soon disembarrassed by different persons, who, in various forms, undertook to serve them. Unable to speak or understand a word of the language of the country, friendless, and left without money, they have languished three months in a loathsome jail, without any other sustenance, a great part of the time, than what could be procured for three sous a day, which have been furnished them to prevent their perishing.

They have been made to understand that a criminal process is going on against them, under two heads. 1. As having sold tobacco in contraband; and 2. as having entered a port of France in a vessel of less than thirty tons burthen. In support of

* A hogshead of tobacco weighs generally, about one thousand pounds, English, equal to nine hundred and seventeen pounds French. The seven hogsheads he sailed with, would therefore weigh, according to this estimate, six thousand four hundred and twenty-three pounds. They actually weighed more on the first essay. When afterwards weighed at Landivisian, they had lost eighty-four pounds on being carried into a drier air. Perhaps too, a difference of weights may have entered into this apparent loss.

the first charge, they understand that the circumstance is relied on, of their having been seen off the coast by the employés des Fermes, one or two days. They acknowledge they may have been so seen while beating off Pont Duval, till they could get a pilot, while entering that port, and again going round from thence to the road of the Isle de Bas. The reasons for this have been explained. They further add, that all the time they were at Pont Duval, they had a King's officer on board, from whom, as well as from their pilot, and the captain, by whose advice they left that port for the Isle de Bas, information can be obtained by their accusers, (who are not imprisoned) of the true motives for that measure. It is said to be urged also, that there was found in their vessel some loose tobacco in a blanket, which excites a suspicion that they had been selling tobacco. When they were stowing their loading, they broke a hogshead, as is always necessary, and is always done, to fill up the stowage, and to consolidate and keep the whole mass firm, and in place. The loose tobacco which had come out of the broken hogshead, they re-packed in bags: but in the course of the distress of their disastrous voyage, they had employed these bags, as they had done every thing else of the same nature, in mending their sails. The condition of their sails, when they came into port, will prove this, and they were seen by witnesses enough, to whom their accusers, being at their liberty, can have access. Besides, the sale of a part of their tobacco is a fact, which, had it taken place, might have been proved; but they deny that it has been proved, or ever can be proved by true men, because it never existed. And they hope the justice of this country does not permit strangers, seeking in her ports an asylum from death, to be thrown into jail and continued there indefinitely, on the possibility of a fact, without any proof. More especially when, as in the present case, a demonstration to the contrary is furnished by their clearance, which shews they never had more than eight hogsheads of tobacco on board, of which one had been put ashore at Hampton in Virginia, as has been before related, and the seven others remained when they first entered port. If they had been smugglers of tobacco, the opposite coast offered a much fairer field, because the gain there is as great; because they understand the language and laws of the country, they know its harbors and coasts, and have connections in them. These circumstances are so important to smugglers, that it is believed no instance has ever occurred of the contraband of tobacco, attempted on this side the channel, by a crew wholly American. Be this as it may, they are not of that description of men.

As to the second charge, that they have entered a port of

France in a vessel of less than thirty tons burthen, they, in the first place, observe that they saw the guager measure the vessel, and affirm that his method of measuring could render little more than half her true contents: but they say, further, that were she below the size of thirty tons, and, when entering the port, had they known of the alternative of either forfeiting their vessel and cargo, or of perishing at sea; they must still have entered the port: the loss of their vessel and cargo being the lesser evil. But the character of the lawgiver assures them, that the intention of his laws are perverted, when misapplied to persons, who, under their circumstances, take refuge in his ports. They have no occasion to recur from his clemency to his justice, by claiming the benefit of that article in the treaty which binds the two nations together, and which assures to the fugitives of either from the dangers of the sea, a hospitable reception and necessary aids in the ports of the other, and that, without measuring the size of their vessel.

Upon the whole, they protest themselves to have been as innocent as they have been unfortunate. Instead of relief in a friendly port, they have seen their misfortunes aggravated by the conduct of officers, who, in their greediness for gain, can see in no circumstance any thing but proofs of guilt. They have already long suffered and are still suffering, whatever scanty sustenance, an inclement season and close confinement, can offer most distressing to men who have been used to neither, and who have wives and children at home participating of their distresses; they are utterly ignorant of the laws and language of the country, where they are suffering; they are deprived of that property which would have enabled them to procure counsel, to place their injuries in a true light; they are distant from the stations of those who are appointed by their country, to patronise their rights; they are not at liberty to go to them, nor able to have communication through any other, than the uncertain medium of the posts; and they see themselves already ruined by the losses and delays they have been made to incur, and by the failure of the original object of their voyage. They throw themselves, therefore, on the patronage of the government, and pray that its energy may be interposed in aid of their poverty and ignorance, to restore them to their liberty, and to extend to them that retribution, which the laws of every country mean to extend to those who suffer unjustly.

LETTER CXXXV.

TO JOHN ADAMS.

Paris, November 19, 1785.

DEAR SIR,

I wrote to you on the 11th of October, by Mr. Preston, and again on the 18th of the same month, by post. Since that, yours of September the 25th, by Mr. Boylston, of October the 24th, November the 1st, and November the 4th, have come safe to hand. I will take up their several subjects in order. Boylston's object was, first, to dispose of a cargo of spermaceti oil, which he brought to Havre. A secondary one, was to obtain a contract for future supplies. I carried him to the Marquis de la Fayette. As to his first object, we are in hopes of getting the duties taken off, which will enable him to sell his cargo. This has led to discussions with the ministers, which give us a hope that we may get the duties taken off *in perpetuum*. This done, a most abundant market for our oil will be opened by this country, and one which will be absolutely dependant on us; for they have little expectation themselves, of establishing a successful whale fishery. It is possible they may only take the duties off of those oils, which shall be the produce of associated companies of French and American merchants. But as yet, nothing certain can be said.

I thank you for the trouble you have taken to obtain insurance on Houdon's life. I place the thirty-two pounds and eleven shillings to your credit, and not being able, as yet, to determine precisely how our accounts stand, I send a sum by Colonel Smith, which may draw the scales towards a balance.

The determination of the British cabinet to make no equal treaty with us, confirms me in the opinion expressed in your letter, of October the 24th, that the United States must pass a navigation act against Great Britain, and load her manufactures with duties, so as to give a preference to those of other countries: and I hope our Assemblies will wait no longer, but transfer such a power to Congress, at the sessions of this fall. I suppose, however, it will only be against Great Britain, and I think it will be right not to involve other nations in the consequences of her injustice. I take for granted, that the commercial system wished for by Congress, was such a one, as should leave commerce on the freest footing possible. This was the plan on which we prepared our general draught for treating with all nations. Of those with whom we were to treat, I ever considered England, France, Spain and Por-

tugal as capitally important; the first two, on account of their American possessions, the last, for their European as well as American. Spain is treating in America, and probably will give an advantageous treaty. Portugal shews dispositions to do the same. France does not treat. It is likely enough she will choose to keep the staff in her own hands. But, in the mean time, she gives us an access to her West Indies, which though not all we wish, is yet extremely valuable to us: this access, indeed, is much affected by the late *Arrets* of the 18th and 25th of September, which I enclose to you. I consider these as a reprisal for the navigation acts of Massachusetts and New Hampshire. The minister has complained to me, officially, of these acts, as a departure from the reciprocity stipulated for by the treaty. I have assured him that his complaints shall be communicated to Congress, and, in the mean time, observed that the example of discriminating between foreigners and natives, had been set by the *Arret* of August, 1784, and still more remarkably by those of September the 18th, and 25th, which, in effect, are a prohibition of our fish in their islands. However, it is better for us, that both sides should revise what they have done. I am in hopes this country did not mean these as permanent regulations. Mr. Bingham, lately from Holland, tells me that the Dutch are much dissatisfied with these acts. In fact, I expect the European nations, in general, will rise up against an attempt of this kind, and wage a general commercial war against us. They can do well without all our commodities, except tobacco, and we cannot find, elsewhere, markets for them. The selfishness of England alone, will not justify our hazarding a contest of this kind against all Europe. Spain, Portugal and France, have not yet shut their doors against us: it will be time enough, when they do, to take up the commercial hatchet. I hope, therefore, those States will repeal their navigation clauses, except as against Great Britain and other nations not treating with us.

I have made the inquiries you desire, as to American ship timber for this country. You know they sent some person (whose name was not told us) to America, to examine the quality of our masts, spars, &c. I think this was young Chaumont's business. They have, besides this, instructed the officer who superintends their supplies of masts, spars, &c., to procure good quantities from our northern States; but I think they have made no contract: on the contrary, that they await the trials projected, but with a determination to look to us for considerable supplies, if they find our timber answer. They have on the carpet a contract for live oak from the southern States.

You ask why the Virginia merchants do not learn to sort their

own tobaccos? They can sort them as well as any other merchants whatever. Nothing is better known than the quality of every hogshead of tobacco, from the place of its growth. They know, too, the particular qualities required in every market. They do not send their tobaccos, therefore, to London to be sorted, but to pay their debts: and though they could send them to other markets, and remit the money to London, yet they find it necessary to give their English merchant the benefit of the consignment of their tobacco, (which is enormously gainful) in order to induce him to continue his indulgence for the balance due.

Is it impossible to persuade our countrymen to make peace with the Nova Scotians? I am persuaded nothing is wanting but advances on our part; and that it is in our power to draw off the greatest proportion of that settlement, and thus, to free ourselves from rivals who may become of consequence. We are, at present, co-operating with Great Britain, whose policy it is, to give aliment to that bitter enmity between her States and ours, which may secure her against their ever joining us. But would not the existence of a cordial friendship between us and them, be the best bridle we could possible put into the mouth of England?

With respect to the Danish business, you will observe that the instructions of Congress, article 3, of October the 29th, 1783, put it entirely into the hands of the *Ministers Plenipotentiary of the United States of America at the court of Versailles, empowered to negotiate a peace, or to any one or more of them.* At that time, I did not come under this description. I had received the permission of Congress to decline coming, in the spring preceding that date. On the first day of November, 1783, that is to say, two days after the date of the instructions to the commissioners, Congress recommended John Paul Jones to the Minister Plenipotentiary of the United States, at Versailles, as agent, to solicit under his direction, the payment of all prizes taken in Europe, under his command. But the object under their view, at that time, was assuredly the money due from the court of Versailles, for the prizes taken in the expedition by the Bon homme Richard, the Alliance, &c. In this business, I have aided him effectually, having obtained a definitive order for paying the money to him, and a considerable proportion being actually paid him. But they could not mean by their resolution of November the 1st, to take from the commissioners, powers which they had given them two days before. If there could remain a doubt that this whole power has resulted to you, it would be cleared up by the instructions of May the 7th, 1784, article 9, which declare, 'that these instructions be considered as supplementary to those of October the 29th, 1783,

and not as revoking, except where they contradict them;' which shews that they considered the instructions of October the 29th, 1783, as still in full force. I do not give you the trouble of this discussion, to save myself the trouble of the negotiation. I should have no objections to this part: but it is to avoid the impropriety of meddling in a matter wherein I am unauthorised to act, and where any thing I should pretend to conclude with the court of Denmark, might have the appearance of a deception on them. Should it be in my power to render any service in it, I shall do it with cheerfulness; but I repeat, that I think you are the only person authorised.

I received, a few days ago, the Nuova minuta of Tuscany, which Colonel Humphreys will deliver you. I have been so engaged, that I have not been able to go over it with any attention. I observe, in general, that the order of the articles is entirely deranged, and their diction almost totally changed. When you shall have examined it, if you will be so good as to send me your observations by post, in cypher, I will communicate with you in the same way, and try to mature this matter.

The deaths of the Dukes of Orleans and Praslin, will probably reach you through the channel of the public papers, before this letter does. Your friends the Abbés are well, and always speak of you with affection. Colonel Humphreys comes to pass some time in London. My curiosity would render a short trip thither, agreeable to me also, but I see no probability of taking it. I will trouble you with my respects to Dr. Price. Those to Mrs. Adams, I witness in a letter to herself.

I am, with very great esteem, Dear Sir,
your most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER CXXXVI.

TO THE COUNT DE VERGENNES.

Paris, November 20, 1785.

SIR,

I found here, on my return from Fontainebleau, the letter of October the 30th, which your Excellency did me the honor there, of informing me had been addressed to me at this place; and I shall avail myself of the first occasion of transmitting it to Con-

gress, who will receive, with great pleasure, these new assurances of the friendly sentiments, which his Majesty is pleased to continue towards the United States.

I am equally persuaded they will pay the most serious attention to that part of your Excellency's letter, which mentions the information you have received of certain acts or regulations of navigation and commerce, passed in some of the United States, which are injurious to the commerce of France. In the mean time, I wish to remove the unfavorable impressions which those acts seem to have made, as if they were a departure from the reciprocity of conduct, stipulated for by the treaty of February the 6th, 1776. The effect of that treaty, is, to place each party with the other, always on the footing of the most favored nation. But those who framed the acts, probably did not consider the treaty as restraining either, from discriminating between foreigners and natives. Yet this is the sole effect of these acts. The same opinion as to the meaning of the treaty, seems to have been entertained by this government, both before and since the date of these acts. For the *Arret* of the King's Council, of August the 30th, 1784, furnished an example of such a discrimination between foreigners and natives, importing salted fish into his Majesty's dominions in the West Indies; by laying a duty on that imported by foreigners, and giving out the same, in bounty, to native importers. This opinion shews itself more remarkably in the late *Arrets* of the 18th and 25th of September, which, increasing to excess the duty on foreign importations of fish into the West Indies, giving the double, in bounty, on those of natives, and thereby rendering it impossible for the former to sell in competition with the latter, have, in effect, prohibited the importation of that article by the citizens of the United States.

Both nations, perhaps, may come into the opinion, that their friendship and their interests may be better cemented, by approaching the condition of their citizens, reciprocally, to that of *natives*, as a better ground of intercourse than that of *the most favored nation*. I shall rest with hopes of being authorised, in due time, to inform your Excellency that nothing will be wanting, on our part, to evince a disposition to concur in revising whatever regulations, may, on either side, bear hard on the commerce of the other nation. In the mean time, I have the honor to assure you of the profound respect and esteem, with which

I have the honor to be, your Excellency's
most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXXVII.

TO LISTER ASQUITH..

Paris, November 23, 1785.

SIR,

I have received your letter of the 14th instant. It was not till the 8th of this month, that I could obtain information from any quarter, of the particular court in which your prosecution was instituted, and the ground on which it was founded. I then received it through the hands of Monsieur Desbordes, at Brest. I have sent to the Count de Vergennes a statement of your case, of which the enclosed is a copy. I wish you would read it over, and if there be any fact stated in it, which is wrong, let me know it, that I may have it corrected. I at the same time, wrote him an urgent letter in your behalf. I have daily expected an answer, which has occasioned my deferring writing to you. The moment I receive one, you may be assured of my communicating it to you. My hopes are, that I may obtain from the King, a discharge of the persons of all of you: but, probably, your vessel and cargo must go through a process. I have sincerely sympathised with your misfortunes, and have taken every step in my power, to get into the right line for obtaining relief. If it will add any comfort to your situation and that of your companions, to be assured that I never lose sight of your sufferings, and leave nothing undone to extricate you, you have that assurance. I am, Sir,

your very humble servant,

TH: JEFFERSON.

LETTER CXXXVIII.

TO JOHN ADAMS.

Paris, November 27, 1785.

DEAR SIR,

Your favor of the 5th, came to hand yesterday, and Colonel Smith, and Colonel Humphreys, (by whom you will receive one of the 19th, from me) being to set out tomorrow, I hasten to answer it. I sincerely rejoice that Portugal is stepping forward in the business of treaty, and that there is a probability that we may at length do something under our commissions, which may produce a solid

benefit to our constituents. I as much rejoice, that it is not to be negotiated through the medium of the torpid, uninformed machine, at first made use of. I conjecture, from your relation of the conference with the Chevalier de Pinto, that he is well informed and sensible. So much the better. It is one of those cases, where the better the interests of the two parties are understood, the broader will be the basis on which they will connect them.

To the very judicious observations on the subjects of the conference, which were made by you, I have little to add.

Flour. It may be observed, that we can sell them the flour ready manufactured, for much less than the wheat of which it is made. In carrying to them wheat, we carry also the bran, which does not pay its own freight. In attempting to save and transport wheat to them, much is lost by the weavil, and much spoiled by heat in the hold of the vessel. This loss must be laid on the wheat which gets safe to market, where it is paid for by the consumer. Now, this is much more than the cost of manufacturing it with us, which would prevent that loss. I suppose the cost of manufacturing does not exceed seven per cent on the value. But the loss by the weavil, and other damage on ship board, amount to much more. Let them buy of us as much wheat as will make a hundred weight of flour. They will find that they have paid more for the wheat, than we should have asked for the flour, besides having lost the labor of their mills in grinding it. The obliging us, therefore, to carry it to them in the form of wheat, is a useless loss to both parties.

Iron. They will get none from us. We cannot make it in competition with Sweden, or any other nation of Europe, where labor is so much cheaper.

Wines. The strength of the wines of Portugal, will give them always an almost exclusive possession of a country, where the summers are so hot as in America. The present demand will be very great, if they will enable us to pay for them; but if they consider the extent and rapid population of the United States, they must see that the time is not distant, when they will not be able to make enough for us, and that it is of great importance to avail themselves of the prejudices already established in favor of their wines, and to continue them, by facilitating the purchase. Let them do this, and they need not care for the decline of their use in England. They will be independent of that country.

Salt. I do not know where the northern States supplied themselves with salt, but the southern ones took great quantities from Portugal.

Cotton and Wool. The southern States will take manufactures

of both: the northern, will take both the manufactures and raw materials.

East India goods of every kind. Philadelphia and New York have begun a trade to the East Indies. Perhaps Boston may follow their example. But their importations will be sold only to the country adjacent to them. For a long time to come, the States south of the Delaware, will not engage in a direct commerce with the East Indies. They neither have, nor will have ships or seamen for their other commerce: nor will they buy East India goods of the northern States. Experience shews that the States never bought foreign goods of one another. The reasons are, that they would, in so doing, pay double freight and charges; and again, that they would have to pay mostly in cash, what they could obtain for commodities, in Europe. I know that the American merchants have looked, with some anxiety, to the arrangements to be taken with Portugal, in expectation that they could, through her, get their East India articles on better and more convenient terms; and I am of opinion, Portugal will come in for a good share of this traffic with the southern States, if they facilitate our payments.

Coffee. Can they not furnish us with this article from Brazil?

Sugar. The Brazil sugars are esteemed, with us, more than any other.

Chocolate. This article, when ready made, as also the cocoa becomes so soon rancid, and the difficulties of getting it fresh, have been so great in America, that its use has spread but little. The way to increase its consumption, would be, to permit it to be brought to us immediately from the country of its growth. By getting it good in quality, and cheap in price, the superiority of the article, both for health and nourishment, will soon give it the same preference over tea and coffee in America, which it has in Spain, where they can get it by a single voyage, and, of course, while it is sweet. The use of the sugars, coffee, and cotton of Brazil, would also be much extended by a similar indulgence.

Ginger and spices from the Brazils, if they had the advantage of a direct transportation, might take place of the same articles from the East Indies.

Ginseng. We can furnish them with enough to supply their whole demand for the East Indies.

They should be prepared to expect, that in the beginning of this commerce, more money will be taken by us, than after a while. The reasons are, that our heavy debt to Great Britain must be paid, before we shall be masters of our own returns; and again, that habits of using particular things, are produced only by time and practice.

That as little time as possible may be lost in this negotiation, I will communicate to you, at once, my sentiments as to the alterations in the draught sent them, which will probably be proposed by them, or which ought to be proposed by us, noting only those articles.

Article 3. They will probably restrain us to their dominions in Europe. We must expressly include the Azores, Madeiras, and Cape de Verd islands, some of which are deemed to be in Africa. We should also contend for an access to their possessions in America, according to the gradation in the 2nd article of our instructions, of May the 7th, 1784. But if we can obtain it in no one of these forms, I am of opinion we should give it up.

Article 4. This should be put into the form we gave it, in the draught sent you by Dr. Franklin and myself, for Great Britain. I think we had not reformed this article, when we sent our draught to Portugal. You know, the Confederation renders the reformation absolutely necessary; a circumstance which had escaped us at first.

Article 9. Add, from the British draught, the clause about wrecks.

Article 13. The passage 'nevertheless,' &c. to run as in the British draught.

Article 18. After the word 'accident,' insert 'or wanting supplies of provisions or other refreshments.' And again, instead of 'take refuge,' insert 'come,' and after 'of the other' insert 'in any part of the world.' The object of this, is to obtain leave for our whaling vessels to refit and refresh on the coast of the Brazils; an object of immense importance to that class of our vessels. We must acquiesce under such modifications as they may think necessary, for regulating this indulgence, in hopes to lessen them in time, and to get a *pied a terre* in that country.

Article 19. Can we get this extended to the Brazils? It would be precious in case of a war with Spain.

Article 23. Between 'places' and 'whose,' insert 'and in general, all others,' as in the British draught.

Article 24. For 'necessaries,' substitute 'comforts.'

Article 25. Add 'but if any such consuls shall exercise commerce,' &c. as in the British draught.

We should give to Congress as early notice as possible, of the re-institution of this negotiation; because, in a letter by a gentleman who sailed from Havre, the 10th instant, I communicated to them the answer of the Portuguese minister, through the ambassador here, which I sent to you. They may, in consequence, be making other arrangements which might do injury. The little time which

now remains, of the continuance of our commissions, should also be used with the Chevalier de Pinto, to hasten the movements of his court.

But all these preparations for trade with Portugal, will fail in their effect, unless the depredations of the Algerines can be prevented. I am far from confiding in the measures taken for this purpose. Very possibly war must be recurred to. Portugal is at war with them. Suppose the Chevalier de Pinto was to be sounded on the subject of an union of force, and even a stipulation for contributing, each, a certain force, to be kept in constant cruise. Such a league once begun, other nations would drop into it, one by one. If he should seem to approve it, it might then be suggested to Congress, who, if they should be forced to try the measure of war, would doubtless be glad of such an ally. As the Portuguese negotiation should be hastened, I suppose our communications must often be trusted to the post, availing ourselves of the cover of our cypher.

I am, with sincere esteem, Dear Sir,
your friend and servant,
TH: JEFFERSON.

LETTER CXXXIX.

TO COLONEL HUMPHREYS.

Paris, December 4, 1785.

DEAR SIR,

I enclose you a letter from Gatteaux, observing that there will be an anachronism, if, in making a medal to commemorate the victory of Saratoga, he puts on General Gates the insignia of the Cincinnati, which did not exist at that date. I wrote him, in answer, that I thought so too, but that you had the direction of the business; that you were now in London; that I would write to you, and probably should have an answer within a fortnight; and, that in the mean time, he could be employed on other parts of the die. I supposed you might not have observed on the print of General Gates, the insignia of the Cincinnati, or did not mean that that particular should be copied. Another reason against it strikes me. Congress have studiously avoided giving to the public, their sense of this institution. Should medals be prepared, to be presented from them to certain officers, and bearing on them the insignia of the order, as the presenting them would involve an approbation of

the institution, a previous question would be forced on them, whether they would present these medals? I am of opinion it would be very disagreeable to them, to be placed under the necessity of making this declaration. Be so good as to let me know your wishes on this subject, by the first post.

Mr. Short has been sick ever since you left us. Nothing new has occurred here since your departure. I imagine you have American news. If so, pray give us some. Present me affectionately to Mr. Adams and the ladies, and to Colonel Smith; and be assured of the esteem with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXL.

TO JOHN ADAMS.

Paris, December 10, 1785.

DEAR SIR,

On the arrival of Mr. Boylston, I carried him to the Marquis de la Fayette, who received from him communications of his object. This was to get a remission of the duties on his cargo of oil, and he was willing to propose a future contract. I suggested however to the Marquis, when we were alone, that instead of wasting our efforts on individual applications, we had better take up the subject on general ground, and whatever could be obtained, let it be common to all. He concurred with me. As the jealousy of office between ministers, does not permit me to apply immediately to the one in whose department this was, the Marquis's agency was used. The result was, to put us on the footing of the Hanseatic towns, as to whale oil, and to reduce the duties to eleven livres and five sols for five hundred and twenty pounds, French, which is very nearly two livres on the English hundred weight, or about a guinea and a half the ton. But the oil must be brought in American or French ships, and the indulgence is limited to one year. However, as to this, I expressed to Count de Vergennes my hopes that it would be continued; and should a doubt arise, I should propose, at the proper time, to claim it under the treaty, on the footing *gentis amicissimæ*. After all, I believe Mr. Boylston has failed of selling to Sangrain, and, from what I learn, through a little too much hastiness of temper. Perhaps they may yet come together, or he may sell to somebody else.

When the general matter was thus arranged, a Mr. Barrett arrived here from Boston, with letters of recommendation from Governor Bowdoin, Cushing and others. His errand was, to get the whale business here put on a general bottom, instead of the particular one, which had been settled, you know, the last year, for a special company. We told him what was done. He thinks it will answer, and proposes to settle at L'Orient, for conducting the sales of the oil, and the returns. I hope, therefore, that this matter is tolerably well fixed, as far as the consumption of this country goes. I know not, as yet, to what amount that is; but shall endeavor to find out how much they consume, and how much they furnish themselves. I propose to Mr. Barrett, that he should induce either his State or individuals, to send a sufficient number of boxes of the spermaceti candle, to give one to every leading house in Paris; I mean to those who lead the ton: and at the same time, to deposite a quantity for sale here, and advertise them in the *petites affiches*. I have written to Mr. Carmichael, to know on what footing the use and introduction of the whale oil is there, or can be placed.

I have the honor to be, with very sincere esteem, Dear Sir,
your most obedient humble servant,

TH: JEFFERSON.

LETTER CXLI.

TO JOHN ADAMS.

Paris, December 11, 1785.

DEAR SIR,

Baron Polnitz not going off till to day, enables me to add some information which I received from Mr. Barclay this morning. You know the immense amount of Beaumarchais' accounts with the United States, and that Mr. Barclay was authorised to settle them. Beaumarchais had pertinaciously insisted on settling them with Congress. Probably he received from them a denial: for just as Mr. Barclay was about to set out on the journey we destined him, Beaumarchais tendered him a settlement. It was thought best not to refuse this, and that it would produce a very short delay. However, it becomes long, and Mr. Barclay thinks it will occupy him all this month. The importance of the account, and a belief that nobody can settle it so well as Mr. Barclay, who

is intimately acquainted with most of the articles, induce me to think we must yield to this delay. Be so good as to give me your opinion on this subject.

I have the honor to be, with very great esteem, Dear Sir,
your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CXLII.

TO THE COUNT DE VERGENNES.

Paris, December 21, 1785.

SIR,

I have received this moment a letter, of which I have the honor to enclose your Excellency a copy. It is on the case of Asquith and others, citizens of the United States, in whose behalf I had taken the liberty of asking your interference. I understand by this letter, that they have been condemned to lose their vessel and cargo, and to pay six thousand livres and the costs of the prosecution, before the 25th instant, or to go to the gallies. This payment being palpably impossible to men in their situation, and the execution of the judgment pressing, I am obliged to trouble your Excellency again, by praying, if the government can admit any mitigation of their sentence, it may be extended to them, in time to save their persons from its effect.

I have the honor to be, with very great respect,
your Excellency's most obedient
and most humble servant,
TH: JEFFERSON.

LETTER CXLIII.

TO THE GOVERNOR OF GEORGIA.

Paris, December 22, 1785.

SIR,

The death of the late General Oglethorpe, who had considerable possessions in Georgia, has given rise, as we understand, to questions whether those possessions have become the property of the State, or have been transferred by his will to his widow, or

descended on the nearest heir capable in law of taking them. In the latter case, the Chevalier de Mezieres, a subject of France, stands foremost, as being made capable of the inheritance by the treaty between this country and the United States. Under the regal government, it was the practice with us, when lands passed to the crown by escheat or forfeiture, to grant them to such relation of the party, as stood on the fairest ground. This was even a chartered right in some of the States. The practice has been continued among them, as deeming that the late Revolution should, in no instance, abridge the rights of the people. Should this have been the practice in the State of Georgia, or should they, in any instance, think proper to admit it, I am persuaded none will arise, in which it would be more expedient to do it, than in the present, and that no person's expectations should be fairer than those of the Chevalier de Mezieres. He is the nephew of General Oglethorpe, he is of singular personal merit, an officer of rank, of high connections, and patronised by the ministers. His case has drawn their attention, and seems to be considered as protected by the treaty of alliance, and as presenting a trial of our regard to that. Should these lands be considered as having passed to the State, I take the liberty of recommending him to the legislature of Georgia, as worthy of their generosity, and as presenting an opportunity of proving the favorable dispositions which exist throughout America, towards the subjects of this country, and an opportunity too, which will probably be known and noted here.

In the several views, therefore, of personal merit, justice, generosity and policy, I presume to recommend the Chevalier de Mezieres, and his interests, to the notice and patronage of your Excellency, whom the choice of your country has sufficiently marked, as possessing the dispositions, while it has, at the same time, given you the power, to befriend just claims. The Chevalier de Mezieres will pass over to Georgia in the ensuing spring; but, should he find an opportunity, he will probably forward this letter sooner. I have the honor to be, with sentiments of the most profound respect,

your Excellency's most obedient,
and most humble servant,
TH: JEFFERSON.

LETTER CXLIV.

TO THE GEORGIA DELEGATES IN CONGRESS.

Paris, December 22, 1785.

GENTLEMEN,

By my despatch to Mr. Jay, which accompanies this, you will perceive that the claims of the Chevalier de Mezieres, nephew to the late General Oglethorpe, to his possessions within your State, have attracted the attention of the ministry here; and that considering them as protected by their treaty with us, they have viewed as derogatory of that, the doubts which have been expressed on the subject. I have thought it best to present to them those claims in the least favorable point of view, to lessen, as much as possible, the ill effects of a disappointment: but I think it my duty to ask your notice and patronage of this case; as one whose decision will have an effect on the general interests of the Union.

The Chevalier de Mezieres is nephew to General Oglethorpe; he is a person of great estimation, powerfully related and protected. His interests are espoused by those whom it is our interest to gratify. I will take the liberty, therefore, of soliciting your recommendations of him to the generosity of your legislature, and to the patronage and good offices of your friends, whose efforts, though in a private case, will do a public good. The pecuniary advantages of confiscation, in this instance, cannot compensate its ill effects. It is difficult to make foreigners understand those legal distinctions between the effects of forfeiture, of escheat, and of conveyance, on which the professors of the law might build their opinions in this case. They can see only the outlines of the case; to wit, the death of a possessor of lands lying within the United States, leaving an heir in France, and the State claiming those lands in opposition to the heir. An individual, thinking himself injured, makes more noise than a State. Perhaps, too, in every case which either party to a treaty thinks to be within its provisions, it is better not to weigh the syllables and letters of the treaty, but to shew that gratitude and affection render that appeal unnecessary. I take the freedom, therefore, of submitting to your wisdom, the motives which present themselves in favor of a grant to the Chevalier de Mezieres, and the expediency of urging them on your State, as far as you may think proper.

I have the honor to be, with sentiments of the highest respect, Gentlemen,

your most obedient
and most humble servant,
TH: JEFFERSON.

LETTER CXLV.

TO JOHN ADAMS.

Paris, December 27, 1785.

DEAR SIR,

Your favors of the 13th and 20th, were put into my hands to day. This will be delivered you by Mr. Dalrymple, secretary to the legation of Mr. Crawford. I do not know whether you were acquainted with him here. He is a young man of learning and candor, and exhibits a phenomenon I never before met with, that is, a republican born on the north side of the Tweed.

You have been consulted in the case of the Chevalier de Mezieres, nephew to General Oglethorpe, and are understood to have given an opinion derogatory of our treaty with France. I was also consulted, and understood in the same way. I was of opinion, the Chevalier had no right to the estate, and as he had determined the treaty gave him a right, I suppose he made the inference for me, that the treaty was of no weight. The Count de Vergennes mentioned it to me in such a manner, that I found it was necessary to explain the case to him, and shew him that the treaty had nothing to do with it. I enclose you a copy of the explanation I delivered him.

Mr. Boylston sold his cargo to an agent of Monsieur Sangrain. He got for it fifty-five livres the hundred weight. I do not think that his being joined to a company here, would contribute to its success. His capital is not wanting. Le Conteux has agreed that the merchants of Boston, sending whale oil here, may draw on him for a certain proportion of money, only giving such a time in their drafts, as will admit the actual arrival of the oil into a port of France, for his security. Upon these drafts, Mr. Barrett is satisfied they will be able to raise money, to make their purchases in America. The duty is seven livres and ten sols on the barrel of five hundred and twenty pounds, French, and ten sous on every livre, which raises it to eleven livres and five sols, the sum I mentioned to you. France uses between five and six millions of pounds' weight, French, which is between three and four thousand tons, English. Their own fisheries do not furnish one million, and there is no probability of their improving. Sangrain purchases himself, upwards of a million. He tells me our oil is better than the Dutch or English, because we make it fresh, whereas they cut up the whale, and bring it home to be made, so that it is, by that time, entered into fermentation. Mr. Barrett

says, that fifty livres the hundred weight, will pay the prime cost and duties, and leave a profit of sixteen per cent to the merchant. I hope that England will, within a year or two, be obliged to come here to buy whale oil for her lamps.

I like as little as you do, to have the gift of appointments. I hope Congress will not transfer the appointment of their consuls, to their ministers. But if they do, Portugal is more naturally under the superintendance of the minister at Madrid, and still more naturally under that of the minister at Lisbon, where it is clear they ought to have one. If all my hopes fail, the letters of Governor Bowdoin and Cushing, in favor of young Mr. Warren, and your more detailed testimony in his behalf, are not likely to be opposed by evidence of equal weight, in favor of any other. I think with you, too, that it is for the public interest to encourage sacrifices and services, by rewarding them, and that they should weigh to a certain point, in the decision between candidates.

I am sorry for the illness of the Chevalier Pinto. I think that treaty important: and the moment to urge it, is that of a treaty between France and England.

Lambe, who left this place the 6th of November, was at Madrid the 10th of this month. Since his departure, Mr. Barclay has discovered that no copies of the full powers were furnished to himself, nor of course to Lambe. Colonel Franks has prepared copies, which I will endeavor to get, to send by this conveyance for your attestation: which you will be so good as to send back by the first safe conveyance, and I will forward them. Mr. Barclay and Colonel Franks being at this moment at St. Germain's, I am not sure of getting the papers in time to go by Mr. Dalrymple. In that case, I will send them by Mr. Bingham.

Be so good as to present me affectionately to Mrs. and Miss Adams, to Colonels Smith and Humphreys, and accept assurances of the esteem with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CXLVI.

TO JOHN JAY.

Paris, January 2, 1786.

SIR,

Several conferences and letters having passed between the Count de Vergennes and myself, on the subject of the commerce of this country with the United States, I think them sufficiently interesting to be communicated to Congress. They are stated in the form of a report, and are herein enclosed. The length of this despatch, perhaps needs apology. Yet I have not been able to abridge it, without omitting circumstances which I thought Congress would rather choose to know. Some of the objects of these conferences present but small hopes for the present, but they seem to admit a possibility of success at some future moment.

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I am, Sir, your most obedient and
most humble servant,
TH: JEFFERSON.

[The following is an extract from the report referred to in the preceding letter, embracing every thing interesting therein, not communicated to the reader in the previous correspondence.]

* * * * * * * * *

The next levee day at Versailles, I meant to bring again under the view of the Count de Vergennes, the whole subject of our commerce with France; but the number of audiences of ambassadors and other ministers, which take place, of course, before mine, and which seldom, indeed, leave me an opportunity of audience at all, prevented me that day. I was only able to ask of the Count de Vergennes, as a particular favor, that he would permit me to wait on him some day that week. He did so, and I went to Versailles the Friday following, (the 9th of December.) M. de Reyneval was with the Count. Our conversation began with the usual topic; that the trade of the United States had not yet learned the way to France, but continued to centre in England, though no longer obliged by law to go there. I observed, that the real cause of this, was to be found in the difference of the commercial arrangements in the two countries; that merchants would not, and could not trade but where there was to be some gain; that the commerce between two countries could not be kept up, but by an exchange of commodities; that, if an American

merchant was forced to carry his produce to London, it could not be expected he would make a voyage from thence to France, with the money, to lay it out here; and, in like manner, that if he could bring his commodities, with advantage, to this country, he would not make another voyage to England, with the money, to lay it out there, but would take in exchange the merchandise of this country. The Count de Vergennes agreed to this, and particularly, that where there was no exchange of merchandise, there could be no durable commerce; and that it was natural for merchants to take their returns in the port where they sold their cargo. I desired his permission then, to take a summary view of the productions of the United States, that we might see which of them could be brought here to advantage.

1. Rice. France gets from the Mediterranean a rice not so good indeed, but cheaper than ours. He said that they bought of our rice, but that they got from Egypt also, rice of a very fine quality. I observed that such was the actual state of their commerce, in that article, that they take little from us. 2. Indigo. They make a plenty in their own colonies. He observed that they did, and that they thought it better than ours. 3. Flour, fish, and provisions of all sorts, they produce for themselves. That these articles might, therefore, be considered as not existing, for commerce, between the United States and the kingdom of France.

I proceeded to those capable of becoming objects of exchange between the two nations. 1. Peltry and furs. Our posts being in the hands of the English, we are cut off from that article. I am not sure even, whether we are not obliged to buy of them, for our own use. When these posts are given up, if ever they are, we shall be able to furnish France with skins and furs, to the amount of two millions of livres, in exchange for her merchandise: but, at present, these articles are to be counted as nothing. 2. Potash. An experiment is making whether this can be brought here. We hope it may, but at present it stands for nothing. He observed that it was much wanted in France, and he thought it would succeed. 3. Naval stores. Trials are also making on these, as subjects of commerce with France. They are heavy, and the voyage long. The result, therefore, is doubtful. At present, they are as nothing in our commerce with this country. 4. Whale oil. I told him I had great hopes, that the late diminution of duty, would enable us to bring this article, with advantage, to France: that a merchant was just arrived (Mr. Barrett) who proposed to settle at L'Orient, for the purpose of selling the cargoes of this article, and choosing the returns. That he had informed me, that in the first year, it would be necessary to take one third in money, and

the remainder only in merchandise; because the fishermen require, indispensably, some money. But he thought that after the first year, the merchandise of the preceding year, would always produce money for the ensuing one, and that the whole amount would continue to be taken annually afterwards, in merchandise. I added, that though the diminution of duty, was expressed to be but for one year, yet I hoped they would find their advantage in renewing and continuing it: for that if they intended really to admit it for one year only, the fishermen would not find it worth while to rebuild their vessels, and to prepare themselves for the business. The Count expressed satisfaction on the view of commercial exchange held up by this article. He made no answer as to the continuance of it; and I did not choose to tell him, at that time, that we should claim its continuance under their treaty with the Hanseatic towns, which fixes this duty for them, and our own treaty, which gives us the rights of the most favored nation. 5. Tobacco. I recalled to the memory of the Count de Vergennes, the letter I had written to him on this article; and the object of the present conversation being, how to facilitate the exchange of commerciable articles between the two countries, I pressed that of tobacco in this point of view; observed that France, at present, paid us two millions of livres for this article; that for such portions of it as were bought in London, they sent the money directly there, and for what they bought in the United States, the money was still remitted to London, by bills of exchange: whereas, if they would permit our merchants to sell this article freely, they would bring it here, and take the returns on the spot, in merchandise, not money. The Count observed, that my proposition contained what was doubtless useful, but that the King received on this article, at present, a revenue of twenty-eight millions, which was so considerable, as to render them fearful of tampering with it; that the collection of this revenue by way of Farm, was of very antient date, and that it was always hazardous to alter arrangements of long standing, and of such infinite combinations with the fiscal system. I answered, that the simplicity of the mode of collection proposed for this article, withdrew it from all fear of deranging other parts of their system; that I supposed they would confine the importation to some of their principal ports, probably, not more than five or six; that a single collector in each of these, was the only new officer requisite; that he could get rich himself on six livres a hogshead, and would receive the whole revenue, and pay it into the treasury, at short hand. M. de Reyneval entered particularly into this part of the conversation, and explained to the Count, more in detail, the advantages and sim-

plicity of it, and concluded by observing to me, that it sometimes happened that useful propositions, though not practicable at one time, might become so at another. I told him that that consideration had induced me to press the matter when I did, because, I had understood the renewal of the Farm was then on the carpet, and that it was the precise moment, when I supposed that this portion might be detached from the mass of the Farms. I asked the Count de Vergennes whether, if the renewal of the Farm was pressing, this article might not be separated, merely in suspense, till government should have time to satisfy themselves on the expediency of renewing it. He said no promises could be made.

In the course of this conversation, he had mentioned the liberty we enjoyed of carrying our fish to the French islands. I repeated to him what I had hinted in my letter, of November the 20th, 1785, that I considered as a prohibition, the laying such duties on our fish, and giving such premiums on theirs, as made a difference between their and our fishermen of fifteen livres the quintal, in an article which sold for but fifteen livres. He said it would not have that effect, for two reasons. 1. That their fishermen could not furnish supplies sufficient for their islands, and, of course, the inhabitants must, of necessity, buy our fish. 2. That from the constancy of our fishery, and the short season during which theirs continued, and also from the economy and management of ours, compared with the expense of theirs, we had always been able to sell our fish, in their islands, at twenty-five livres the quintal, while they were obliged to ask thirty-six livres. (I suppose he meant the livre of the French islands.) That thus, the duty and premium had been a necessary operation on their side, to place the sale of their fish on a level with ours, and, that without this, theirs could not bear the competition.

I have here brought together the substance of what was said on the preceding subjects, not pretending to give it verbatim, which my memory does not enable me to do. I have, probably, omitted many things which were spoken, but have mentioned nothing which was not. It was interrupted, at times, with collateral matters. One of these was important. The Count de Vergennes complained, and with a good deal of stress, that they did not find a sufficient dependance on arrangements taken with us. This was the third time too, he had done it; first, in a conversation at Fontainebleau, when he first complained to me of the navigation acts of Massachusetts and New Hampshire; secondly, in his letter of October the 30th, 1785, on the same subject; and now, in the present conversation, wherein he added, as another instance, the case of the Chevalier de Mezieres, heir of General Oglethorpe,

who, notwithstanding that the 11th article of the treaty provides, that the subjects or citizens of either party, shall succeed, *ab intestato*, to the lands of their ancestors, within the dominions of the other, had been informed from Mr. Adams, and by me also, that his right of succession to the General's estate in Georgia, was doubtful. He observed too, that the administration of justice with us, was tardy, insomuch, that their merchants, when they had money due to them within our States, considered it as desperate; and, that our commercial regulations, in general, were disgusting to them. These ideas were new, serious and delicate. I decided, therefore, not to enter into them at that moment, and the rather, as we were speaking in French, in which language I did not choose to hazard myself. I withdrew from the objections of the tardiness of justice with us, and the disagreeableness of our commercial regulations, by a general observation, that I was not sensible they were well founded. With respect to the case of the Chevalier de Mezieres, I was obliged to enter into some explanations. They related chiefly to the legal operation of our Declaration of Independence, to the undecided question whether our citizens and British subjects, were thereby made aliens to one another, to the general laws as to conveyances of land to aliens, and the doubt, whether an act of the Assembly of Georgia might not have been passed, to confiscate General Oglethorpe's property, which would of course prevent its devolution on any heir. M. Reyneval observed, that in this case, it became a mere question of fact, whether a confiscation of these lands had taken place before the death of General Oglethorpe, which fact might be easily known by inquiries in Georgia, where the possessions lay. I thought it very material, that the opinion of this court should be set to rights on these points. On my return, therefore, I wrote the following observations on them, which, the next time I went to Versailles, (not having an opportunity of speaking to the Count de Vergennes) I put into the hands of M. Reyneval, praying him to read them, and to ask the favor of the Count to do the same.

Explanations on some of the subjects of the conversation, which I had the honor of having with his Excellency, the Count de Vergennes, when I was last at Versailles.

The principal design of that conversation was, to discuss those articles of commerce which the United States could spare, which are wanted in France, and, if received there on a convenient footing, would be exchanged for the productions of France. But in the course of the conversation, some circumstances were inciden-

tally mentioned by the Count de Vergennes, which induced me to suppose he had received impressions, neither favorable to us, nor derived from perfect information.

The case of the Chevalier de Mezieres was supposed to furnish an instance of our disregard to treaties; and the event of that case was inferred from opinions supposed to have been given by Mr. Adams and myself. This is ascribing a weight to our opinions, to which they are not entitled. They will have no influence on the decision of the case. The judges in our courts, would not suffer them to be read. Their guide is the law of the land, of which law, its treaties make a part. Indeed, I know not what opinion Mr. Adams may have given on the case. And, if any be imputed to him derogatory of our regard to the treaty with France, I think his opinion has been misunderstood. With respect to myself, the doubts which I expressed to the Chevalier de Mezieres, as to the success of his claims, were not founded on any question whether the treaty between France and the United States, would be observed. On the contrary, I venture to pronounce that it will be religiously observed, if his case comes under it. But I doubted whether it would come under the treaty. The case, as I understand it, is this. General Oglethorpe, a British subject, had lands in Georgia. He died since the peace, having devised these lands to his wife. His heirs are the Chevalier de Mezieres, son of his eldest sister, and the Marquis de Bellegarde, son of his younger sister. This case gives rise to legal questions, some of which have not yet been decided, either in England or America, the laws of which countries are nearly the same.

1. It is a question under the laws of those countries, whether persons *born before their separation*, and once completely invested, in both, with the character of natural subjects, can ever become aliens in either? There are respectable opinions on both sides. If the negative be right, then General Oglethorpe having never become an alien, and having devised his lands to his wife, who, on this supposition, also, was not an alien, the devise has transferred the lands to her, and there is nothing left for the treaty to operate on.

2. If the affirmative opinion be right, and the inhabitants of Great Britain and America, *born before the Revolution*, are become aliens to each other, it follows by the laws of both, that the lands which either possessed, within the jurisdiction of the other, became the property of the State in which they are. But a question arises, whether the transfer of the property took place on the Declaration of Independence, or not till an office, or an act of Assembly, had declared the transfer. If the property passed to the State on the

Declaration of Independence, then it did not remain in General Oglethorpe, and, of course, at the time of his death, he having nothing, there was nothing to pass to his heirs, and so, nothing for the treaty to operate on.

3. If the property does not pass till declared by an office found by jury, or an act passed by the Assembly, the question then, is, whether an office had been found, or an act of Assembly been passed for that purpose, before the peace? If there was, the lands had passed to the State during his life, and nothing being left in him, there is nothing for his heirs to claim under the treaty.

4. If the property had not been transferred to the State, before the peace, either by the Declaration of Independence, or an office, or an act of Assembly, then it remained in General Oglethorpe at the epoch of the peace; and it will be insisted, no doubt, that, by the sixth article of the treaty of peace, between the United States and Great Britain, which forbids future confiscations, General Oglethorpe acquired a capacity of holding and of conveying his lands. He has conveyed them to his wife. But, she being an alien, it will be decided by the laws of the land, whether she took them for her own use, or for the use of the State. For it is a general principle of our law, that conveyances to aliens pass the lands to the State; and it may be urged, that though, by the treaty of peace, General Oglethorpe could convey, yet that treaty did not mean to give him a greater privilege of conveyance, than natives hold, to wit, a privilege of transferring the property to persons incapable, by law, of taking it. However, this would be a question between the State of Georgia and the widow of General Oglethorpe, in the decision of which, the Chevalier de Mezieres is not interested, because, whether she takes the land by the will, for her own use, or for that of the State, it is equally prevented from descending to him: there is neither a conveyance to him, nor a succession *ab intestato* devolving on him, which are the cases provided for by our treaty with France. To sum up the matter in a few words; if the lands had passed to the State before the epoch of peace, the heirs of General Oglethorpe cannot say they have descended on them, and if they remained in the General at that epoch, the treaty saving them to him, he could convey them away from his heirs, and he has conveyed them to his widow, either for her own use, or for that of the State.

Seeing no event, in which, according to the facts stated to me, the treaty could be applied to this case, or could give any right, whatever, to the heirs of General Oglethorpe, I advised the Chevalier de Mezieres not to urge his pretensions on the footing of right, nor under the treaty, but to petition the Assembly of Georgia for a

grant of these lands. If, in the question between the State and the widow of General Oglethorpe, it should be decided that they were the property of the State, I expected from their generosity, and the friendly dispositions in America towards the subjects of France, that they would be favorable to the Chevalier de Mezieres. There is nothing in the preceding observations, which would not have applied against the heir of General Oglethorpe, had he been a native citizen of Georgia, as it now applies against him, being a subject of France. The treaty has placed the subjects of France on a footing with natives, as to conveyances and descent of property. There was no occasion for the Assemblies to pass laws on this subject; the treaty being a law, as I conceive, superior to those of particular Assemblies, and repealing them, where they stand in the way of its operations.

The supposition that the treaty was disregarded on our part, in the instance of the acts of Assembly of Massachusetts and New Hampshire, which made a distinction between natives and foreigners, as to the duties to be paid on commerce, was taken notice of in the letter of November the 20th, which I had the honor of addressing to the Count de Vergennes. And while I express my hopes, that, on a revision of these subjects, nothing will be found in them derogatory from either the letter or spirit of our treaty, I will add assurances that the United States will not be behind hand, in going beyond both, whenever occasions shall offer of manifesting their sincere attachment to this country.

I will pass on to the observation, that our commercial regulations are difficult, and repugnant to the French merchants. To detail these regulations minutely, as they exist in every State, would be beyond my information. A general view of them, however, will suffice, because, the States differ little in their several regulations. On the arrival of a ship in America, her cargo must be reported at the proper office. The duties on it are to be paid. These are commonly from two and a half to five per cent on its value. On many articles, the value of which is tolerably uniform, the precise sum is fixed by law. A tariff of these is presented to the importer, and he can see what he has to pay, as well as the officer. For other articles, the duty is such a per cent on their value. That value is either shewn by the invoice, or by the oath of the importer. This operation being once over, and it is a very short one, the goods are considered as entered, and may then pass through the whole thirteen States, without their being ever more subject to a question, unless they be re-shipped. Exportation is still more simple: because, as we prohibit the exportation of nothing, and very rarely lay a duty on any article of export, the State is little

interested in examining outward bound vessels. The captain asks a clearance for his own purposes. As to the operations of internal commerce, such as matters of exchange, of buying, selling, bartering, &c. our laws are the same as the English. If they have been altered in any instance, it has been to render them more simple.

Lastly, as to the tardiness of the administration of justice with us, it would be equally tedious and impracticable for me, to give a precise account of it in every State. But I think it probable, that it is much on the same footing through all the States, and that an account of it in any one of them, may found a general presumption of it in the others. Being best acquainted with its administration in Virginia, I shall confine myself to that. Before the Revolution, a judgment could not be obtained under eight years, in the supreme court, where the suit was in the department of the common law, which department embraces about nine tenths of the subjects of legal contestation. In that of the chancery, from twelve to twenty years were requisite. This did not proceed from any vice in the laws, but from the indolence of the judges appointed by the King: and these judges holding their offices during his will only, he could have reformed the evil at any time. This reformation was among the first works of the legislature, after our independence. A judgment can now be obtained in the supreme court, in one year, at the common law, and in about three years, in the chancery. But more particularly to protect the commerce of France, which, at that moment, was considerable with us, a law was passed, giving all suits wherein a foreigner was a party, a privilege to be tried immediately, on the return of his process, without waiting till those of natives, which stand before them, shall have been decided on. Out of this act, however, the British stand excluded by a subsequent one. This, with its causes, must be explained. The British army, after ravaging the State of Virginia, had sent off a very great number of slaves, to New York. By the seventh article of the treaty of peace, they stipulated not to carry away any of these. Notwithstanding this, it was known, when they were evacuating New York, that they were carrying away the slaves. General Washington made an official demand of Sir Guy Carleton, that he should cease to send them away. He answered, that these people had come to them under promise of the King's protection, and that that promise should be fulfilled, in preference to the stipulation in the treaty. The State of Virginia, to which nearly the whole of these slaves belonged, passed a law to forbid the recovery of debts due to British subjects. They declared, at the same time, they would repeal the law, if Congress were of opinion they ought to do it. But, desirous that their citi-

zens should be discharging their debts, they afterwards permitted British creditors to prosecute their suits, and to receive their debts in seven equal and annual payments; relying that the demand for the slaves, would either be admitted or denied in time, to lay their hands on some of the latter payments, for reimbursement. The immensity of this debt, was another reason for forbidding such a mass of property to be offered for sale under execution, at once, as, from the small quantity of circulating money, it must have sold for little or nothing, whereby the creditor would have failed to receive his money, and the debtor would have lost his whole estate, without being discharged of his debt. This is the history of the delay of justice in that country, in the case of British creditors. As to all others, its administration is as speedy as justice itself will admit. I presume it is equally so in all the other States, and can add, that it is administered in them all, with a purity and integrity, of which few countries afford an example.

I cannot take leave, altogether, of the subjects of this conversation, without recalling the attention of the Count de Vergennes, to what had been its principal drift. This was to endeavor to bring about a direct exchange between France and the United States, (without the intervention of a third nation) of those productions, with which each could furnish the other. We can furnish to France, (because we have heretofore furnished to England) of whale oil and spermaceti, of furs and peltry, of ships and naval stores, and of potash, to the amount of fifteen millions of livres; and the quantities will admit of increase. Of our tobacco, France consumes the value of ten millions more. Twenty-five millions of livres, then, mark the extent of that commerce of exchange, which is, at present, practicable between us. We want, in return, productions and manufactures, not money. If the duties on our produce are light, and the sale free, we shall undoubtedly bring it here, and lay out the proceeds on the spot, in the productions and manufactures which we want. The merchants of France, will, on their part, become active in the same business. We shall no more think, when we shall have sold our produce here, of making an useless voyage to another country, to lay out the money, than we think, at present, when we have sold it elsewhere, of coming here to lay out the money. The conclusion is, that there are commodities which form a basis of exchange, to the extent of a million of guineas annually: it is for the wisdom of those in power, to contrive that the exchange shall be made.

Having put this paper into the hands of Monsieur Reyneval, we entered into conversation again, on the subject of the Farms, which were now understood to be approaching to a conclusion. He told

me, that he was decidedly of opinion, that the interest of the State required the Farm of tobacco to be discontinued, and that he had, accordingly, given every aid to my proposition, which laid within his sphere: that the Count de Vergennes was very clearly of the same opinion, and had supported it strongly with reasons of his own, when he transmitted it to the Comptroller General; but that the Comptroller, in the discussions of this subject which had taken place, besides the objections which the Count de Vergennes had repeated to me, and which are before mentioned, had added, that the contract with the Farmers General was now so far advanced, that the article of tobacco could not be withdrawn from it, without unraveling the whole transaction. Having understood, that, in this contract, there was always reserved to the crown, a right to discontinue it at any moment, making just reimbursements to the Farmers, I asked M. Reyneval, if the contract should be concluded in its present form, whether it might still be practicable to have it discontinued, as to the article of tobacco, at some future moment. He said it might be possible.

Upon the whole, the true obstacle to this proposition has penetrated, in various ways, through the veil which covers it. The influence of the Farmers General, has been heretofore found sufficient to shake a minister in his office. Monsieur de Calonnes' continuance or dismission, has been thought, for some time, to be on a poise. Were he to shift this great weight, therefore, out of his own scale into that of his adversaries, it would decide their preponderance. The joint interests of France and America, would be an insufficient counterpoise in his favor.

It will be observed, that these efforts to improve the commerce of the United States, have been confined to that branch only, which respects France itself, and that nothing passed on the subject of our commerce with the West Indies, except an incidental conversation as to our fish. The reason of this, was no want of a due sense of its importance. Of that, I am thoroughly sensible. But efforts in favor of this branch would, at present, be desperate. To nations with which we have not yet treated, and who have possessions in America, we may offer a free vent of their manufactures in the United States, for a full, or a modified admittance into those possessions. But to France, we are obliged to give that freedom for a different compensation; to wit, for her aid in effecting our independence. It is difficult, therefore, to say what we have now to offer her, for an admission into her West Indies. Doubtless, it has its price. But the question is, what this would be, and whether worth our while to give it. Were we to propose to give to each other's citizens all the rights of natives, they would,

of course, count what they should gain by this enlargement of right, and examine whether it would be worth to them, as much as their monopoly of their West India commerce. If not, that commercial freedom which we wish to preserve, and which, indeed, is so valuable, leaves us little else to offer. An expression in my letter to the Count de Vergennes, of November the 20th, wherein I hinted, that both nations might, perhaps, come into the opinion, that the condition of *natives* might be a better ground of intercourse for their citizens, than that of the *most favored* nation, was intended to furnish an opportunity to the minister, of parleying on that subject, if he was so disposed, and to myself, of seeing whereabouts they would begin, that I might communicate it to Congress, and leave them to judge of the expediency of pursuing the subject. But no overtures have followed; for I have no right to consider as coming from the minister, certain questions which were, very soon after, proposed to me by an individual. It sufficiently accounts for these questions, that that individual had written a memorial on the subject, for the consideration of the minister, and might wish to know, what we would be willing to do. The idea that I should answer such questions to him, is equally unaccountable, whether we suppose them originating with himself, or coming from the minister. In fact, I must suppose them to be his own; and I transmit them, only that Congress may see what one Frenchman, at least, thinks on the subject. If we can obtain from Great Britain reasonable conditions of commerce, (which, in my idea, must forever include an admission into her islands,) the freest ground between these two nations, would seem to be the best. But if we can obtain no equal terms from her, perhaps Congress might think it prudent, as Holland has done, to connect us unequivocally with France. Holland has purchased the protection of France. The price she pays, is, *aid in time of war*. It is interesting for us to purchase a free commerce with the French islands. But whether it is best to pay for it, by *aids in war, or by privileges in commerce; or not to purchase it at all*, is the question.

LETTER CXLVII.

TO F. HOPKINSON.

Paris, January 3, 1786.

DEAR SIR,

I wrote you last, on the 25th of September. Since that, I have received yours of October the 25th, enclosing a duplicate of the last invented tongue for the harpsichord. The letter enclosing another of them, and accompanied by newspapers, which you mention in that of October the 25th, has never come to hand. I will embrace the first opportunity of sending you the crayons. Perhaps they may come with this, which I think to deliver to Mr. Bingham, who leaves us on Saturday, for London. If, on consulting him, I find the conveyance from London uncertain, you shall receive them by a Mr. Barrett, who goes from hence for New York, next month. You have not authorised me to try to avail you of the new tongue. Indeed, the ill success of my endeavors with the last, does not promise much with this. However, I shall try. Houdon only stopped a moment, to deliver me your letter, so that I have not yet had an opportunity of asking his opinion of the improvement. I am glad you are pleased with his work. He is among the foremost, or, perhaps, the foremost artist in the world.

Turning to your Encyclopedie, Arts et Metiers, tome 3, part 1, page 393, you will find mentioned an instrument, invented by a Monsieur Renaudin, for determining the true time of the musical movements, largo, adagio, &c. I went to see it. He shewed me his first invention; the price of the machine was twenty-five guineas: then his second, which he had been able to make for about half that sum. Both of these had a mainspring and a balance wheel, for their mover and regulator. The strokes were made by a small hammer. He then shewed me his last, which is moved by a weight and regulated by a pendulum, and which cost only two guineas and a half. It presents, in front, a dial plate like that of a clock, on which are arranged, in a circle, the words largo, adagio, andante, allegro, presto. The circle is moreover divided into fifty-two equal degrees. Largo is at 1, adagio at 11, andante at 22, allegro at 36, and presto at 46. Turning the index to any one of these, the pendulum (which is a string, with a ball hanging to it) shortens or lengthens, so that one of its vibrations gives you a crotchet for that movement. This instrument has been examined by the academy of music here, who are so well satisfied of its utility, that they have ordered all music which shall be printed

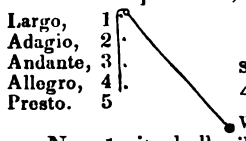
here, in future, to have the movements numbered in correspondence with this plexi-chronometer. I need not tell you that the numbers between two movements, as between 22 and 36, give the quicker or slower degrees of the movements, such as the quick andante, or moderate allegro. The instrument is useful, but still it may be greatly simplified. I got him to make me one, and having fixed a pendulum vibrating seconds, I tried by that the vibrations of his pendulum, according to the several movements.

I find the pendulum regulated to

Largo	vibrates	52	times in a minute.
Adagio		60	
Andante		70	
Allegro		95	
Presto		135	

Every one, therefore, may make a chronometer adapted to his instrument.

For a harpsichord, the following occurs to me.



In the wall of your chamber, over the instrument, drive five little brads, as, 1, 2, 3, 4, 5, in the following manner. Take a string with a bob to it, of such length, as, that hung on No. 1, it shall vibrate fifty-two times in a minute. Then proceed by trial to drive No. 2, at such a distance, that drawing the loop of the string to that, the part remaining between 1 and the bob, shall vibrate sixty times in a minute. Fix the third for seventy vibrations, &c.; the cord always hanging over No. 1, as the centre of vibration. A person playing on the violin, may fix this on his music stand. A pendulum thrown into vibration, will continue in motion long enough to give you the time of your piece. I have been thus particular, on the supposition that you would fix one of these simple things for yourself.

You have heard often of the metal called platina, to be found only in South America. It is insusceptible of rust, as gold and silver are, none of the acids affecting it, excepting the aqua regia. It also admits of as perfect a polish as the metal hitherto used for the specula of telescopes. These two properties had suggested to the Spaniards, the substitution of it for that use. But the mines being closed up by the government, it is difficult to get the metal. The experiment has been lately tried here by the Abbé Rochon, (whom I formerly mentioned to Mr. Rittenhouse, as having discovered that lenses of certain natural chrystals have two different and uncombined magnifying powers) and he thinks the polish as high as that of the metal heretofore used, and that it will never be injured by the air, a touch of the finger, &c. I examined it in a

dull day, which did not admit a fair judgment of the strength of its reflection.

Good qualities are sometimes misfortunes. I will prove it from your own experience. You are punctual; and almost the only one of my correspondents on whom I can firmly rely, for the execution of commissions which combine a little trouble with more attention. I am very sorry, however, that I have three commissions to charge you with, which will give you more than a little trouble. Two of them are for Monsieur de Buffon. Many, many years ago, Cadwallader Colden wrote a very small pamphlet on the subjects of attraction and impulsion, a copy of which he sent to Monsieur de Buffon. He was so charmed with it, that he put it into the hands of a friend to translate, who lost it. It has ever since weighed on his mind, and he has made repeated trials to have it found in England. But in vain. He applied to me. I am in hopes, if you will write a line to the booksellers of Philadelphia to rummage their shops, that some of them may find it. Or, perhaps, some of the careful old people of Pennsylvania or New Jersey may have preserved a copy. In the King's cabinet of Natural history, of which Monsieur de Buffon has the superintendence, I observed that they had neither our grouse nor our pheasant. These, I know, may be bought in the market of Philadelphia, on any day while they are in season. Pray buy the male and female of each, and employ some apothecary's boys to prepare them, and pack them. Methods may be seen in the preliminary discourse to the first volume of Birds, in the Encyclopedie, or in the Natural history of Buffon, where he describes the King's cabinet. And this done, you will be so good as to send them to me. The third commission is more distant. It is to procure me two or three hundred paccan nuts from the western country. I expect they can always be got at Pittsburgh, and am in hopes, that by yourself or your friends, some attentive person there may be engaged to send them to you. They should come as fresh as possible, and come best, I believe, in a box of sand. Of this Barham could best advise you. I imagine vessels are always coming from Philadelphia to France. If there be a choice of ports, Havre would be best. I must beg you to direct them to the care of the American consul or agent at the port, to be sent by the Diligence or Fourgon. A thousand apologies would not suffice for this trouble, if I meant to pay you in apologies only. But I sincerely ask, and will punctually execute, the appointment of your chargé des affaires in Europe generally. From the smallest to the highest commission, I will execute with zeal and punctuality, in buying, or doing any thing you wish, on this side the water. And you may judge from the preceding speci-

men, that I shall not be behind hand in the trouble I shall impose on you. Make a note of all the expenses attending my commissions, and favor me with it every now and then, and I will replace them. My daughter is well, and retains an affectionate remembrance of her antient patroness, your mother, as well as of your lady and family. She joins me in wishing to them, and to Mr. and Mrs. Rittenhouse and family, every happiness. Accept, yourself, assurances of the esteem with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

P. S. What is become of the Lunarium for the King?

LETTER CXLVIII.

TO GENERAL WASHINGTON.

Paris, January 4, 1786.

DEAR SIR,

I have been honored with your letter of September the 26th, which was delivered me by Mr. Houdon, who is safely returned. He has brought with him the mould of the face only, having left the other parts of his work with his workmen, to come by some other conveyance. Doctor Franklin, who was joined with me in the superintendence of this just monument, having left us before what is called the costume of the statue was decided on, I cannot so well satisfy myself, and I am persuaded I should not so well satisfy the world, as by consulting your own wish or inclination as to this article. Permit me, therefore, to ask you whether there is any particular dress, or any particular attitude, which you would rather wish to be adopted. I shall take a singular pleasure in having your own idea executed, if you will be so good as to make it known to me.

I thank you for the trouble you have taken, in answering my inquiries on the subject of Bushnel's machine. Colonel Humphreys could only give me a general idea of it, from the effects proposed, rather than the means contrived to produce them.

I sincerely rejoice, that three such works as the opening the Potomac and James rivers, and a canal from the Dismal Swamp, are likely to be carried through. There is still a fourth, how-

ever, which I had the honor, I believe, of mentioning to you in a letter of March the 15th, 1784, from Annapolis. It is the cutting a canal, which shall unite the heads of Cayahoga and Beaver creek. The utility of this, and even the necessity of it, if we mean to aim at the trade of the lakes, will be palpable to you. The only question is, its practicability. The best information I could get, as to this, was from General Hand, who described the country as champain, and these waters as heading in lagoons, which would be easily united. Maryland and Pennsylvania are both interested to concur with us in this work. The institutions you propose to establish, by the shares in the Potomac and James river companies, given you by the Assembly, and the particular objects of those institutions, are most worthy. It occurs to me, however, that if the bill 'for the more general diffusion of knowledge,' which is in the revisal, should be passed, it would supersede the use, and obscure the existence of the charity schools you have thought of. I suppose, in fact, that that bill, or some other like it, will be passed. I never saw one received with more enthusiasm than that was, in the year 1778, by the House of Delegates, who ordered it to be printed. And it seemed afterwards, that nothing but the extreme distress of our resources prevented its being carried into execution, even during the war. It is an axiom in my mind, that our liberty can never be safe but in the hands of the people themselves, and that too, of the people with a certain degree of instruction. This, it is the business of the State to effect, and on a general plan. Should you see a probability of this, however, you can never be at a loss for worthy objects of this donation. Even the remitting that proportion of the toll, on all articles transported, would present itself under many favorable considerations, and it would, in effect, be to make the State do in a certain proportion, what they ought to have done wholly: for I think they should clear all the rivers, and lay them open and free to all. However, you are infinitely the best judge, how the most good may be effected with these shares.

All is quiet here. There are, indeed, two specks in the horizon: the exchange of Bavaria, and the demarcation between the Emperor and Turks. We may add, as a third, the interference by the King of Prussia in the domestic disputes of the Dutch. Great Britain, it is said, begins to look towards us with a little more good humor. But how true this may be, I cannot say with certainty. We are trying to render her commerce as little necessary to us as possible, by finding other markets for our produce. A most favorable reduction of duties on whale oil, has taken place here,

which will give us a vent for that article, paying a duty of a guinea and a half a ton, only.

I have the honor to be, with the highest esteem and respect, Dear Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CXLIX.

TO A. CARY.

Paris, January 7, 1786.

DEAR SIR,

The very few of my countrymen who happen to be punctual, will find their punctuality a misfortune to them. Of this I shall give you a proof, by the present application, which I should not make to you, if I did not know you to be superior to the torpidity of our climate. In my conversations with the Count de Buffon, on the subjects of Natural history, I find him absolutely unacquainted with our elk and our deer. He has hitherto believed, that our deer never had horns more than a foot long; and has, therefore, classed them with the roe buck, which I am sure, you know them to be different from. I have examined some of the red deer of this country, at the distance of about sixty yards, and I find no other difference between them and ours, than a shade or two in the colour. Will you take the trouble to procure for me the largest pair of buck's horns you can, and a large skin of each colour, that is to say, a red and a blue? If it were possible to take these from a buck just killed, to leave all the bones of the head in the skin, with the horns on, to leave the bones of the legs in the skin also, and the hoofs to it, so that, having only made an incision all along the belly and neck, to take the animal out at, we could, by sewing up that incision, and stuffing the skin, present the true size and form of the animal, it would be a most precious present. Our deer have been often sent to England and Scotland. Do you know (with certainty) whether they have ever bred with the red deer of those countries? With respect to the elk, I despair of your being able to get for me, any thing but the horns of it. David Rittenhouse, I know, has a pair; perhaps he would give them to us. It is useless to ask for the skin and skeleton, because, I think it not in your power to get them; otherwise, they would be most desirable. A gentleman, fellow passenger

with me from Boston to England, promised to send to you, in my name, some hares, rabbits, pheasants, and partridges, by the return of the ship, which was to go to Virginia, and the captain promised to take great care of them. My friend procured the animals, and, the ship changing her destination, he kept them, in hopes of finding some other conveyance, till they all perished. I do not despair, however, of finding some opportunity still, of sending a colony of useful animals. I am making a collection of vines for wine, and for the table; also of some trees, such as the cork oak, &c. &c.

Every thing is absolutely quiet in Europe. There is not, therefore, a word of news to communicate. I pray you to present me affectionately to your family, and that of Tuckahoe. Whatever expense is necessary for procuring me the articles above-mentioned, I will instantly replace, either in cash, or in any thing you may wish from hence.

I am, with very sincere esteem, Dear Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER CL.

TO MAJOR GENERAL GREENE.

Paris, January 12, 1786.

DEAR SIR,

Your favor of June the 1st, did not come to hand till the 3rd of September. I immediately made inquiries on the subject of the frigate, you had authorised your relation to sell to this government, and I found, that he had, long before that, sold her to government, and sold her very well, as I understood. I noted the price on the back of your letter, which I have since, unfortunately, mislaid, so that I cannot, at this moment, state to you the price. But the transaction is of so long standing, that you cannot fail to have received advice of it. I should, without delay, have given you this information, but that I hoped to be able to accompany it with information as to the live oak, which was another object of your letter. This matter, though it has been constantly pressed by Mr. St. John, and also by the Marquis de la Fayette, since his return from Berlin, has been spun to a great length, and, at last, they have only decided to send to you for samples of the wood. Letters on this subject, from the Marquis de la Fayette, accompany this.

Every thing in Europe is quiet, and promises quiet for at least

a year to come. We do not find it easy to make commercial arrangements in Europe. There is a want of confidence in us. This country has lately reduced the duties on American whale oil, to about a guinea and a half the ton, and I think they will take the greatest part of what we can furnish. I hope, therefore, that this branch of our commerce will resume its activity. Portugal shews a disposition to court our trade; but this has, for some time, been discouraged by the hostilities of the piratical states of Barbary. The Emperor of Morocco, who had taken one of our vessels, immediately consented to suspend hostilities, and ultimately gave up the vessel, cargo and crew. I think we shall be able to settle matters with him. But I am not sanguine as to the Algerines. They have taken two of our vessels, and, I fear, will ask such a tribute for a forbearance of their piracies, as the United States would be unwilling to pay. When this idea comes across my mind, my faculties are absolutely suspended between indignation and impatience. I think, whatever sums we are obliged to pay for freedom of navigation in the European seas, should be levied on the European commerce with us, by a separate impost, that these powers may see that they protect these enormities for their own loss.

I have the honor to be, with sentiments of the most perfect esteem and respect, Dear Sir,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CLI.

TO LISTER ASQUITH.

Paris, January 13, 1786.

SIR,

I have duly received your letter of the 2nd instant. The delays, which have attended your enlargement, have been much beyond my expectation. The reason I have not written to you, for some time, has been the constant expectation of receiving an order for your discharge. I have not received it, however. I went to Versailles three days ago, and made fresh applications on the subject. I received assurances, which give me reason to hope that the order for your discharge will soon be made out. Be assured, it shall not be delayed a moment after it comes to my hands, and that I shall omit no opportunity of hastening it. In

the mean time, I think you may comfort yourself and companions with the certainty of receiving it ere long. I am, Sir,

your most humble servant,

TH: JEFFERSON.

[The following were answers by Mr. Jefferson, to questions addressed to him by Monsieur de Meusnier, author of that part of the Encyclopedie Methodique, entitled Economie politique et diplomatique.]

1. What has led Congress to determine, that the concurrence of seven votes is requisite in questions, which, by the Confederation, are submitted to the decision of a majority of the United States, in Congress assembled?

The ninth article of Confederation, section six, evidently establishes three orders of questions in Congress. 1. The greater ones, which relate to making peace or war, alliances, coinage, requisitions for money, raising military force, or appointing its commander in chief. 2. The lesser ones, which comprehend all other matters submitted by the Confederation to the federal head. 3. The single question of adjourning from day to day. This gradation of questions is distinctly characterised by the article.

In proportion to the magnitude of these questions, a greater concurrence of the voices composing the Union, was thought necessary. Three degrees of concurrence, well distinguished by substantial circumstances, offered themselves to notice. 1. A concurrence of a *majority of the people* of the Union. It was thought that this would be insured, by requiring the voices of nine States; because, according to the loose estimates which had then been made of the inhabitants, and the proportion of them which were free, it was believed, that even the nine smallest would include a majority of the free citizens of the Union. The voices, therefore, of nine States were required in the greater questions. 2. A concurrence of the *majority of the States*. Seven constitute that majority. This number, therefore, was required in the lesser questions. 3. A concurrence of the *majority of Congress*, that is to say, of the States actually present in it. As there is no Congress, when there are not seven States present, this concurrence could never be of less than four States. But these might happen to be the four smallest, which would not include one ninth part of the free citizens of the Union. This kind of majority, therefore, was entrusted with nothing but the power of adjourning themselves from day to day.

Here then are three kinds of majorities. 1. Of the people. 2. Of the States. 3. Of the Congress: each of which is entrusted to a certain length.

Though the paragraph in question be clumsily expressed, yet it strictly announces its own intentions. It defines with precision, the *greater* questions, for which nine votes shall be requisite. In the *lesser* questions, it then requires a *majority of the United States in Congress assembled:* a term which will apply either to the number seven, as being a *majority of the States*, or to the number four, as being *a majority of Congress*. Which of the two kinds of majority, was meant? Clearly, that which would leave a still smaller kind, for the decision of the question of adjournment. The contrary construction would be absurd.

This paragraph, therefore, should be understood, as if it had been expressed in the following terms. 'The United States, in Congress assembled, shall never engage in war, &c. but with the consent of nine States: nor determine any other question, but with the consent of a majority of the whole States, except the question of adjournment from day to day, which may be determined by a majority of the States actually present in Congress.

2. How far is it permitted, to bring on the reconsideration of a question which Congress has once determined?

The first Congress which met, being composed mostly of persons who had been members of the legislatures of their respective States, it was natural for them to adopt those rules in their proceedings, to which they had been accustomed in their legislative houses; and the more so, as these happened to be nearly the same, as having been copied from the same original, those of the British parliament. One of those rules of proceeding was, that 'a question once determined, cannot be proposed, a second time, in the same session.' Congress, during their first session, in the autumn of 1774, observed this rule strictly. But before their meeting in the spring of the following year, the war had broken out. They found themselves at the head of that war, in an executive, as well as legislative capacity. They found that a rule, wise and necessary for a legislative body, did not suit an executive one, which, being governed by events, must change their purposes, as those change. Besides, their session was then to become of equal duration with the war; and a rule, which should render their legislation immutable, during all that period, could not be submitted to. They, therefore, renounced it in practice, and have ever since continued to reconsider their questions freely. The only restraint as yet provided against the abuse of this permission to reconsider, is, that when a question has been decided, it cannot

be proposed for reconsideration, but by some one who voted in favor of the former decision, and declares that he has since changed his opinion. I do not recollect accurately enough, whether it be necessary that his vote should have decided that of his State, and the vote of his State, have decided that of Congress.

Perhaps, it might have been better, when they were forming the federal constitution, to have assimilated it, as much as possible, to the particular constitutions of the States. All of these have distributed the legislative, executive and judiciary powers, into different departments. In the federal constitution, the judiciary powers are separated from the others; but the legislative and executive are both exercised by Congress. A means of amending this defect, has been thought of. Congress having a power to establish what committees of their own body, they please, and to arrange among them the distribution of their business, they might, on the first day of their annual meeting, appoint an executive committee, consisting of a member from each State, and refer to them all executive business which should occur during their session; confining themselves to what is of a legislative nature, that is to say, to the heads described in the ninth article, as of the competence of nine States only, and to such other questions as should lead to the establishment of general rules. The journal of this committee, of the preceding day, might be read the next morning in Congress, and considered as approved, unless a vote was demanded on a particular article, and that article changed. The sessions of Congress would then be short, and when they separated, the Confederation authorises the appointment of a committee of the States, which would naturally succeed to the business of the executive committee. The legislative business would be better done, because the attention of the members would not be interrupted by the details of execution; and the executive business would be better done, because, business of this nature is better adapted to small, than great bodies. A monarchical head should confide the execution of its will to departments, consisting, each, of a plurality of hands, who would warp that will, as much as possible, towards wisdom and moderation, the two qualities it generally wants. But, a republican head, founding its decrees, originally, in these two qualities, should commit them to a single hand for execution, giving them, thereby, a promptitude which republican proceedings generally want. Congress could not, indeed, confide their executive business to a smaller number, than a committee consisting of a member from each State. This is necessary to insure the confidence of the Union. But it would be gaining a great deal, to

reduce the executive head to thirteen, and to relieve themselves of those details. This, however, has as yet been the subject of private conversations only.

3. A succinct account of paper money, in America?

Previous to the late Revolution, most of the States were in the habit, whenever they had occasion for more money than could be raised immediately, by taxes, to issue paper notes or bills, in the name of the State, wherein they promised to pay to the bearer the sum named in the note or bill. In some of the States, no time of payment was fixed, nor tax laid to enable payment. In these, the bills depreciated. But others of the States, named in the bill the day when it should be paid, laid taxes to bring in money enough for that purpose, and paid the bills punctually, on or before the day named. In these States, paper money was in as high estimation as gold and silver. On the commencement of the late Revolution, Congress had no money. The external commerce of the States being suppressed, the farmer could not sell his produce, and, of course, could not pay a tax. Congress had no resource then, but in paper money. Not being able to lay a tax for its redemption, they could only promise that taxes should be laid for that purpose, so as to redeem the bills by a certain day. They did not foresee the long continuance of the war, the almost total suppression of their exports, and other events, which rendered the performance of their engagement impossible. The paper money continued, for a twelvemonth, equal to gold and silver. But the quantities which they were obliged to emit, for the purposes of the war, exceeded what had been the usual quantity of the circulating medium. It began, therefore, to become cheaper, or, as we expressed it, it depreciated, as gold and silver would have done, had they been thrown into circulation in equal quantities. But not having, like them, an intrinsic value, its depreciation was more rapid, and greater, than could ever have happened with them. In two years, it had fallen to two dollars of paper money for one of silver; in three years, to four for one; in nine months more, it fell to ten for one; and in the six months following, that is to say, by September, 1779, it had fallen to twenty for one.

Congress, alarmed at the consequences which were to be apprehended, should they lose this resource altogether, thought it necessary to make a vigorous effort to stop its further depreciation. They, therefore, determined, in the first place, that their emissions should not exceed two hundred millions of dollars, to which term they were then nearly arrived: and, though they knew that twenty dollars of what they were then issuing, would buy no more for their army than one silver dollar would buy, yet they thought it

would be worth while, to submit to the sacrifice of nineteen out of twenty dollars, if they could thereby stop further depreciation. They, therefore, published an address to their constituents, in which they renewed their original declarations, that this paper money should be redeemed at dollar for dollar. They proved the ability of the States to do this, and that their liberty would be cheaply bought at that price. The declaration was ineffectual. No man received the money at a better rate; on the contrary, in six months more, that is, by March, 1780, it had fallen to forty for one. Congress then tried an experiment of a different kind. Considering their former offers to redeem this money, at par, as relinquished by the general refusal to take it, but in progressive depreciation, they required the whole to be brought in, declared it should be redeemed at its present value, of forty for one, and, that they would give to the holders new bills, reduced in their denomination to the sum of gold or silver, which was actually to be paid for them. This would reduce the nominal sum of the mass in circulation, to the present worth of that mass, which was five millions; a sum not too great for the circulation of the States, and which, they therefore hoped, would not depreciate further, as they continued firm in their purpose of emitting no more. This effort was as unavailing as the former. Very little of the money was brought in. It continued to circulate and to depreciate, till the end of 1780, when it had fallen to seventy-five for one, and the money circulated from the French army, being, by that time, sensible in all the States north of the Potomac, the paper ceased its circulation altogether, in those States. In Virginia and North Carolina, it continued a year longer, within which time it fell to one thousand for one, and then expired, as it had done in the other States, without a single groan. Not a murmur was heard, on this occasion, among the people. On the contrary, universal congratulations took place, on their seeing this gigantic mass, whose dissolution had threatened convulsions which should shake their infant confederacy to its centre, quietly interred in its grave. Foreigners, indeed, who do not, like the natives, feel indulgence for its memory, as of a being which has vindicated their liberties, and fallen in the moment of victory, have been loud, and still are loud in their complaints. A few of them have reason; but the most noisy are not the best of them. They are persons who have become bankrupt, by unskilful attempts at commerce with America. That they may have some pretext to offer to their creditors, they have bought up great masses of this dead money in America, where it is to be had at five thousand for one, and they shew the certificates of their paper possessions, as if they had all died in their

hands, and had been the cause of their bankruptcy. Justice will be done to all, by paying to all persons what this money actually cost them, with an interest of six per cent, from the time they received it. If difficulties present themselves in the ascertaining the epoch of the receipt, it has been thought better that the State should lose, by admitting easy proofs, than that individuals, and especially foreigners, should, by being held to such as would be difficult, perhaps impossible.

4. Virginia certainly owed two millions, sterling, to Great Britain, at the conclusion of the war. Some have conjectured the debt as high as three millions. I think that State owed near as much, as all the rest put together. This is to be ascribed to peculiarities in the tobacco trade. The advantages made by the British merchants, on the tobaccos consigned to them, were so enormous, that they spared no means of increasing those consignments. A powerful engine for this purpose, was the giving good prices and credit to the planter, till they got him more immersed in debt than he could pay, without selling his lands or slaves. They then reduced the prices given for his tobacco, so that let his shipments be ever so great, and his demand of necessaries ever so economical, they never permitted him to clear off his debt. These debts had become hereditary from father to son, for many generations, so that the planters were a species of property, annexed to certain mercantile houses in London.

5. The members of Congress are differently paid by different States. Some are on fixed allowances, from four to eight dollars a day. Others have their expenses paid, and a surplus for their time. This surplus is of two, three, or four dollars a day.

6. I do not believe there has ever been a moment, when a single whig, in any one State, would not have shuddered at the very idea of a separation of their State from the confederacy. The tories would, at all times, have been glad to see the confederacy dissolved, even by particles at a time, in hopes of their attaching themselves again to Great Britain.

7. The 11th article of Confederation admits Canada to accede to the Confederation, at its own will, but adds, 'no other colony shall be admitted to the same, unless such admission be agreed to by nine States.' When the plan of April, 1784, for establishing new States, was on the carpet, the committee who framed the report of that plan, had inserted this clause, 'provided nine States agree to such admission, according to the reservation of the 11th of the articles of Confederation.' It was objected, 1. That the words of the Confederation, 'no other colony,' could refer only to the residuary possessions of Great Britain, as the two Floridas,

Nova Scotia, &c. not being already parts of the Union; that the law for 'admitting' a new member into the Union, could not be applied to a territory which was already in the Union, as making part of a State which was a member of it. 2. That it would be improper to allow 'nine' States to receive a new member, because, the same reasons which rendered that number proper now, would render a greater one proper, when the number composing the Union should be increased. They therefore struck out this paragraph, and inserted a proviso, that 'the consent of so many States, in Congress, shall be first obtained, as may, at the time, be competent;' thus leaving the question, whether the 11th article applies to the admission of new States, to be decided when that admission shall be asked. See the Journal of Congress of April 20, 1784. Another doubt was started in this debate; viz. whether the agreement of the nine States, required by the Confederation, was to be made by their legislatures, or by their delegates in Congress? The expression adopted, viz. 'so many States, in Congress, is first obtained,' shew what was their sense of this matter. If it be agreed, that the 11th article of the Confederation is not to be applied to the admission of these new States, then it is contended that their admission comes within the 13th article, which forbids 'any alteration, unless agreed to in a Congress of the United States, and afterwards confirmed by the legislatures of every State.' The independence of the new States of Kentucky and Franklin, will soon bring on the ultimate decision of all these questions.

8. Particular instances, whereby the General Assembly of Virginia have shewn, that they considered the ordinance called their constitution, as every other ordinance, or act of the legislature, subject to be altered by the legislature for the time being.

1. The convention which formed that constitution, declared themselves to be the House of Delegates, during the term for which they were originally elected, and, in the autumn of the year, met the Senate, elected under the new constitution, and did legislative business with them. At this time, there were malefactors in the public jail, and there was, as yet, no court established for their trial. They passed a law, appointing certain members by name, who were then members of the Executive Council, to be a court for the trial of these malefactors, though the constitution had said, in express words, that no person should exercise the powers of more than one of the three departments, legislative, executive and judiciary, at the same time. This proves, that the very men who had made that constitution, understood that it would be alterable by the General Assembly. This court was only for that occasion. When the next General Assembly met, after the election of the

ensuing year, there was a new set of malefactors in the jail, and no court to try them. This Assembly passed a similar law to the former, appointing certain members of the Executive Council, to be an occasional court for this particular case. Not having the journals of Assembly by me, I am unable to say whether this measure was repealed afterwards. However, they are instances of *executive* and *judiciary* powers exercised by the same persons, under the authority of a law, made in contradiction to the constitution.

2. There was a process depending in the ordinary courts of justice, between two individuals of the name of Robinson and Fauntleroy, who were relations, of different descriptions, to one Robinson, a British subject, lately dead. Each party claimed a right to inherit the lands of the decedent, according to the laws. Their right should, by the constitution, have been decided by the judiciary courts; and it was actually depending before them. One of the parties petitioned the Assembly, (I think it was in the year 1782,) who passed a law deciding the right in his favor. In the following year, a Frenchman, master of a vessel, entered into port without complying with the laws established in such cases, whereby, he incurred the forfeitures of the law to any person who would sue for them. An individual instituted a legal process to recover these forfeitures, according to the law of the land. The Frenchman petitioned the Assembly, who passed a law deciding the question of forfeiture in his favor. These acts are occasional repeals of that part of the constitution, which forbids the same persons to exercise *legislative* and *judiciary* powers, at the same time.

3. The Assembly is in the habitual exercise, during their sessions, of directing the Executive what to do. There are few pages of their journals, which do not furnish proofs of this, and, consequently, instances of the *legislative* and *executive* powers exercised by the same persons, at the same time. These things prove, that it has been the uninterrupted opinion of every Assembly, from that which passed the ordinance called the constitution, down to the present day, that their acts may control that ordinance, and, of course, that the State of Virginia has no fixed constitution at all.

[The succeeding observations were made by Mr. Jefferson on an article entitled 'Etats Unis,' prepared for the Encyclopedie Methodique, and submitted to him before its publication.]

Page 8. The malefactors sent to America, were not sufficient in number to merit enumeration, as one class out of three, which

peopled America. It was at a late period of their history, that this practice began. I have no book by me, which enables me to point out the date of its commencement. But I do not think the whole number sent, would amount to two thousand, and being principally men, eaten up with disease, they married seldom and propagated little. I do not suppose that themselves and their descendants, are, at present, four thousand, which is little more than one thousandth part of the whole inhabitants.

Indented servants formed a considerable supply. These were poor Europeans, who went to America to settle themselves. If they could pay their passage, it was well. If not, they must find means of paying it. They were at liberty, therefore, to make an agreement with any person they chose, to serve him such a length of time as they agreed on, upon condition that he would repay, to the master of the vessel, the expenses of their passage. If, being foreigners, unable to speak the language, they did not know how to make a bargain for themselves, the captain of the vessel contracted for them, with such persons as he could. This contract was by deed indented, which occasioned them to be called indented servants. Sometimes they were called redemptioners, because, by their agreement with the master of the vessel, they could *redeem* themselves from his power by paying their passage; which, they frequently effected, by hiring themselves on their arrival, as is before mentioned. In some States, I know, that these people had a right of marrying themselves, without their master's leave, and I did suppose they had that right every where. I did not know, that, in any of the States, they demanded so much as a week for every day's absence, without leave. I suspect this must have been at a very early period, while the governments were in the hands of the first emigrants, who, being mostly laborers, were narrow-minded and severe. I know that in Virginia, the laws allowed their servitude to be protracted only two days for every one they were absent, without leave. So mild was this kind of servitude, that it was very frequent for foreigners, who carried to America money enough, not only to pay their passage, but to buy themselves a farm, to indent themselves to a master for three years, for a certain sum of money, with a view to learn the husbandry of the country. I will here make a general observation. So desirous are the poor of Europe to get to America, where they may better their condition, that, being unable to pay their passage, they will agree to serve two or three years on their arrival there, rather than not go. During the time of that service, they are better fed, better clothed, and have lighter labor, than while in Europe. Continuing to work for hire, a few years longer, they buy a farm, mar-

ry, and enjoy all the sweets of a domestic society of their own. The American governments are censured for permitting this species of servitude, which lays the foundation of the happiness of these people. But what should these governments do? Pay the passage of all those who choose to go into their country? They are not able; nor, were they able, do they think the purchase worth the price. Should they exclude these people from their shores? Those who know their situations in Europe and America, would not say, that this is the alternative which humanity dictates. It is said these people are deceived by those who carry them over. But this is done in Europe. How can the American governments prevent it? Should they punish the deceiver? It seems more incumbent on the European government, where the act is done, and where a public injury is sustained from it. However, it is only in Europe that this deception is heard of. The individuals are generally satisfied in America, with their adventure, and very few of them wish not to have made it. I must add, that the Congress have nothing to do with this matter. It belongs to the legislatures of the several States.

Page 26. 'Une puissance, en effet,' &c. The account of the settlement of the colonies, which precedes this paragraph, shews that that settlement was not made by public authority, or at the public expense of England; but by the exertions, and at the expense of individuals. Hence it happened, that their constitutions were not formed systematically, but according to the circumstances which happened to exist, in each. Hence, too, the principles of the political connection between the old and new countries, were never settled. That it would have been advantageous to have settled them, is certain; and, particularly, to have provided a body which should decide, in the last resort, all cases wherein both parties were interested. But it is not certain that that right would have been given, or ought to have been given to the Parliament; much less, that it resulted to the Parliament, without having been given to it expressly. Why was it necessary, that there should have been a body to decide in the last resort? Because, it would have been for the good of both parties. But this reason shews, it ought not to have been the Parliament, since, that would have exercised it for the good of one party only.

Page 105. As to the change of the 8th article of Confederation, for quotaing requisitions of money on the States.

By a report of the secretary of Congress, dated January the 4th, 1786, eight States had then acceded to the proposition; to wit, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina.

Congress, on the 18th of April, 1783, recommended to the States to invest them with a power, for twenty-five years, to levy an impost of five per cent, on all articles imported from abroad. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina, had complied with this, before the 4th of January, 1786. Maryland had passed an act for the same purpose; but, by a mistake in referring to the date of the recommendation of Congress, the act failed of its effect. This was therefore to be rectified. Since the 4th of January, the public papers tell us, that Rhode Island has complied fully with this recommendation. It remains still for New York and Georgia to do it. The exportations of America, which are tolerably well known, are the best measure for estimating the importations. These are probably worth about twenty millions of dollars, annually. Of course, this impost will pay the interest of a debt to that amount. If confined to the foreign debt, it will pay the whole interest of that, and sink half a million of the capital, annually. The expenses of collecting this impost, will probably be six per cent on its amount, this being the usual expense of collection in the United States. This will be sixty thousand dollars.

On the 30th of April, 1784, Congress recommended to the States, to invest them with a power, for fifteen years, to exclude from their ports the vessels of all nations, not having a treaty of commerce with them; and to pass, as to all nations, an act on the principles of the British navigation act. Not that they were disposed to carry these powers into execution, with such as would meet them in fair and equal arrangements of commerce; but that they might be able to do it against those who should not. On the 4th of January, 1786, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia and North Carolina, had done it. It remained for New Jersey, Delaware, South Carolina and Georgia, to do the same.

In the mean time, the general idea has advanced before the demands of Congress, and several States have passed acts, for vesting Congress with the whole regulation of their commerce, reserving the revenue arising from these regulations, to the disposal of the State in which it is levied. The States which, according to the public papers, have passed such acts, are New Hampshire, Massachusetts, Rhode Island, New Jersey, Delaware and Virginia: but, the Assembly of Virginia, apprehensive that this disjointed method of proceeding may fail in its effect, or be much retarded, passed a resolution on the 21st of January, 1786, appointing commissioners to meet, others from the other States, whom they invite

into the same measure, to digest the form of an act, for investing Congress with such powers over their commerce, as shall be thought expedient, which act is to be reported to their several Assemblies, for their adoption. This was the state of the several propositions relative to the impost, and regulation of commerce, at the date of our latest advices from America.

Page 125. The General Assembly of Virginia, at their session in 1785, passed an act, declaring that the district, called Kentucky, shall be a separate and independent State, on these conditions. 1. That the people of that district shall consent to it. 2. That Congress shall consent to it, and shall receive them into the federal Union. 3. That they shall take on themselves a proportionable part of the public debt of Virginia. 4. That they shall confirm all titles to lands within their district, made by the State of Virginia, before their separation.

Page 139. It was in 1783, and not in 1781, that Congress quitted Philadelphia.

Page 140. 'Le Congres qui se trouvoit à la portée des rebelles fut effrayé.' I was not present on this occasion, but I have had relations of the transaction from several who were. The conduct of Congress was marked with indignation and firmness. They received no propositions from the mutineers. They came to the resolutions, which may be seen in the journals of June the 21st, 1783, then adjourned regularly, and went through the body of the mutineers to their respective lodgings. The measures taken by Dickinson, the President of Pennsylvania, for punishing this insult, not being satisfactory to Congress, they assembled, nine days after, at Princeton, in Jersey. The people of Pennsylvania sent petitions, declaring their indignation at what had passed, their devotion to the federal head, and their dispositions to protect it, and praying them to return; the legislature, as soon as assembled, did the same thing; the Executive, whose irresolution had been so exceptionable, made apologies. But Congress were now removed; and, to the opinion that this example was proper, other causes were now added, sufficient to *prevent* their return to Philadelphia.

Page 155. l. 2. Omit 'La dette actuelle,' &c.

And also, 'Les details,' &c. &c. to the end of the paragraph, 'celles des Etats Unis;' page 156. The reason is, that these passages seem to suppose, that the several sums emitted by Congress, at different times, amounting nominally to two hundred millions of dollars, had been actually worth that at the time of emission, and, of course, that the soldiers and others had received that sum from Congress. But nothing is further from the truth. The

soldier, victualler, or other persons who received forty dollars for a service, at the close of the year 1779, received, in fact, no more than he who received one dollar for the same service, in the year 1775, or 1776; because, in those years, the paper money was at par with silver; whereas, by the close of 1779, forty paper dollars were worth but one of silver, and would buy no more of the necessaries of life. To know what the monies emitted by Congress were worth to the people, at the time they received them, we will state the date and amount of every several emission, the depreciation of paper money at the time, and the real worth of the emission in silver or gold.

Emission.	Sum emitted.	Depreciation.	Worth of the sum emitted, in silver dollars.
1775. June 23.	2.000.000		2.000.000
Nov. 29.	3.000.000		3.000.000
1776. Feb. 17.	4.000.000		4.000.000
Aug. 13.	5.000.000		5.000.000
1777. May 20.	5.000.000	2 2-3	1.877.273
Aug. 15.	1.000.000	3	333.333 1-3
Nov. 7.	1.000.000	4	250.000
Dec. 3.	1.000.000	4	250.000
1778. Jan. 8.	1.000.000	4	250.000
Jan. 22.	2.000.000	4	500.000
Feb. 16.	2.000.000	5	400.000
March 5.	2.000.000	5	400.000
April 4.	1.000.000	6	166.666 2-3
April 11.	5.000.000	6	833.333 1-3
April 18.	500.000	6	83.333 1-3
May 22.	5.000.000	5	1.000.000
June 20.	5.000.000	4	1.250.000
July 30.	5.000.000	4 1-2	1.111.111
Sep. 5.	5.000.000	5	1.000.000
Sep. 26.	10.000.100	5	2.000.020
Nov. 4.	10.000.100	6	1.666.683 1-3
Dec. 14.	10.000.100	6	1.666.683 1-3
1779. Jan. 14.	*24.447.620	8	3.055.952 1-2
Feb. 3.	5.000.160	10	500.016
Feb. 12.	5.000.160	10	500.016
April 2.	5.000.160	17	294.127
May 5.	10.000.100	24	416.670 5-6
June 4.	10.000.100	20	500.005
July 17.	15.000.280	20	750.014
Sep. 17.	15.000.260	24	625.010 5-6
Oct. 14.	5.000.180	30	166.672 2-3
Nov. 17.	10.050.540	38 1-2	261.053
Nov. 29.	10.000.140	38 1-2	259.743
	200.000.000		36.367.719 5-6

* The sum actually voted was 50.000.400, but part of it was for exchange of old bills, without saying how much. It is presumed that these exchanges absorbed 25.552.780, because the remainder, 24.447.620, with all the other emissions preceding September 2nd, 1779, will amount to 159.948.880, the sum which Congress declared to be then in circulation.

Thus, it appears, that the two hundred millions of dollars, emitted by Congress, were worth, to those who received them, but about thirty-six millions of silver dollars. If we estimate at the same value, the like sum of two hundred millions, supposed to have been emitted by the States, and reckon the Federal debt, foreign and domestic, at about forty-three millions, and the State debts, at about twenty-five millions, it will form an amount of one hundred and forty millions of dollars, or seven hundred and thirty-five millions of livres, Tournois, the total sum which the war has cost the inhabitants of the United States. It continued eight years, from the battle of Lexington to the cessation of hostilities in America. The annual expense, then, was about seventeen millions and five hundred thousand dollars, while that of our enemies was a greater number of guineas.

It will he asked, how will the two masses of Continental and of State money, have cost the people of the United States seventy-two millions of dollars, when they are to be redeemed, now, with about six millions? I answer, that the difference, being sixty-six millions, has been lost on the paper bills, separately, by the successive holders of them. Every one, through whose hands a bill passed, lost on that bill what it lost in value, during the time it was in his hands. This was a real tax on him; and, in this way, the people of the United States actually contributed those sixty-six millions of dollars, during the war, and by a mode of taxation the most oppressive of all, because the most unequal of all.

Page 166; bottom line. Leave out 'Et c'est une autre economie,' &c. The reason of this, is, that in 1784, purchases of lands were to be made of the Indians, which were accordingly made. But in 1785, they did not propose to make any purchase. The money desired in 1785, five thousand dollars, was probably to pay agents residing among the Indians, or balances of the purchases of 1784. These purchases will not be made every year; but only at distant intervals, as our settlements are extended: and it may be regarded as certain, that not a foot of land will ever be taken from the Indians, without their own consent. The sacredness of their rights, is felt by all thinking persons in America, as much as in Europe.

Page 170. Virginia was quotaed the highest of any State in the Union. But during the war, several States appear to have paid more, because they were free from the enemy, whilst Virginia was cruelly ravaged. The requisition of 1784, was so quotaed on the several States, as to bring up their arrearages; so that when they should have paid the sums then demanded, all would be on an equal footing. It is necessary to give a further explanation of

this requisition. The requisitions of one million and two hundred thousand dollars, of eight millions, and two millions, had been made during the war, as an experiment, to see whether, in that situation, the States could furnish the necessary supplies. It was found they could not. The money was thereupon obtained by loans in Europe: and Congress meant, by their requisition of 1784, to abandon the requisitions of one million and two hundred thousand dollars, and of two millions, and also one half of the eight millions. But as all the States, almost, had made some payments in part of that requisition, they were obliged to retain such a proportion of it, as would enable them to call for equal contributions from all the others.

Page 170. I cannot say how it has happened, that the debt of Connecticut is greater than that of Virginia. The latter is the richest in productions, and, perhaps, made greater exertions to pay for her supplies in the course of the war.

Page 172. 'Les Americains sevant aprés une banqueroute,' &c. The objections made to the United States, being here condensed together in a short compass, perhaps, it would not be improper to condense the answers in as small a compass, in some such form as follows. That is, after the words 'aucun espoir', add, 'But to these charges it may be justly answered, that those are no bankrupts who acknowledge the sacredness of their debts, in their just and real amount, who are able, within a reasonable time, to pay them, and who are actually proceeding in that payment; that they furnish, in fact, the supplies necessary for the support of their government; that their officers and soldiers are satisfied, as the interest of their debt is paid regularly, and the principal is in a course of payment; that the question, whether they fought ill, should be asked of those who met them at Bunker's hill, Bennington, Stillwater, King's mountain, the Cowpens, Guilford, and the Eutaw. And that the charges of ingratitude, madness, infidelity and corruption, are easily made by those to whom falsehoods cost nothing; but that no instances, in support of them, have been produced, or can be produced.'

Page 187. 'Les officiérs et les soldats ont eté payés,' &c. The balances due to the officers and soldiers have been ascertained, and a certificate of the sum given to each; on these, the interest is regularly paid; and every occasion is seized of paying the principal, by receiving these certificates as money, whenever public property is sold, till a more regular and effectual method can be taken, for paying the whole.

Page 191. 'Quoique la loi dont nous parlons, ne s'observe plus en A[illegible]terre.' 'An alien born may purchase lands or other

estates, but not for his own use; for the King is thereupon entitled to them.' 'Yet an alien may acquire a property in goods, money and other personal estate, or may hire a house for his habitation. For this is necessary for the advancement of trade.' 'Also, an alien may bring an action concerning personal property, and may make a will, and dispose of his personal estate.' 'When I mention these rights of an alien, I must be understood of alien *friends* only, or such whose countries are in peace with ours; for alien *enemies* have no rights, no privileges, unless by the King's special favor, during the time of war.' Blackstone, B. 1. c. 10, page 372. 'An alien *friend* may have personal actions, but not real; an alien *enemy* shall have neither real, personal, nor mixed actions. The reason why an alien *friend* is allowed to maintain a personal action, is, because, he would otherwise be incapacitated to merchandise, which may be as much to our prejudice as his.' Cuningham's law dict. title, Aliens. The above is the clear law of England, practised from the earliest ages to this day, and never denied. The passage quoted by M. de Meuisnier from 2. Blackstone, c. 26, is from his chapter 'Of title to things *personal by occupancy*.' The word 'personal,' shews, that nothing in this chapter relates to lands, which are *real* estate; and, therefore, this passage does not contradict the one before quoted from the same author, (1 Bl. c. 10.) which says, that the lands of an alien belong to the King. The words, 'of title by *occupancy*,' shew, that it does not relate to *debts*, which, being a moral existence only, cannot be the subject of *occupancy*. Blackstone, in this passage, (B. 2. c. 26.) speaks only of personal goods of an alien, which another may find, and seize as prime occupant.

Page 193. 'Le remboursement presentera des difficultés des sommes considerables,' &c. There is no difficulty nor doubt on this subject. Every one is sensible how this is to be ultimately settled. Neither the British creditor, nor the State, will be permitted to lose by these payments. The debtor will be credited for what he paid, according to what it was really worth at the time he paid it, and he must pay the balance. Nor does he lose by this; for if a man who owed one thousand dollars to a British merchant, paid eight hundred paper dollars into the treasury, when the depreciation was at eight for one, it is clear he paid but one hundred real dollars, and must now pay nine hundred. It is probable, he received those eight hundred dollars for one hundred bushels of wheat, which were never worth more than one hundred silver dollars. He is credited, therefore, the full worth of his wheat. The equivoque is in the use of the word 'dollar.'

Page 226. 'Qu' on abolisse les privileges du clergé.' This

privilege, originally allowed to the clergy, is now extended to every man, and even to women. It is a right of exemption from capital punishment, for the first offence, in most cases. It is, then, a pardon by the law. In other cases, the Executive gives the pardon. But when laws are made as mild as they should be, both those pardons are absurd. The principle of Beccaria is sound. Let the legislators be merciful, but the executors of the law inexorable. As the term 'privileges du clergé' may be misunderstood by foreigners, perhaps, it will be better to strike it out here, and substitute the word 'pardon.'

Page 239. 'Les commissaires venlent,' &c. Manslaughter is the killing a man with design, but in a sudden gust of passion, and where the killer has not had time to cool. The first offence is not punished capitally, but the second is. This is the law of England and of all the American States; and is not a new proposition. Those laws have supposed that a man, whose passions have so much dominion over him, as to lead him to repeated acts of murder, is unsafe to society: that it is bêtter he should be put to death by the law, than others, more innocent than himself, on the movements of his impetuous passions.

Ibid. 'Mal-aisé d' indiquer la nuance precise,' &c. In forming a scale of crimes and punishments, two considerations have principal weight. 1. The atrocity of the crime. 2. The peculiar circumstances of a country, which furnish greater temptations to commit it, or greater facilities for escaping detection. The punishment must be heavier, to counterbalance this. Were the first, the only consideration, all nations would form the same scale. But, as the circumstances of a country have influence on the punishment, and no two countries exist precisely under the same circumstances, no two countries will form the same scale of crimes and punishments. For example; in America, the inhabitants let their horses go at large, in the uninclosed lands, which are so extensive, as to maintain them altogether. It is easy, therefore, to steal them, and easy to escape. Therefore, the laws are obliged to oppose these temptations with a heavier degree of punishment. For this reason, the stealing of a horse, in America, is punished more severely, than stealing the same value in any other form. In Europe, where horses are confined so securely, that it is impossible to steal them, that species of theft need not be punished more severely than any other. In some countries of Europe, stealing fruit from trees is punished capitally. The reason is, that it being impossible to lock fruit trees up in coffers, as we do our money, it is impossible to oppose physical bars to this species of theft. Moral one[illegible] therefore, opposed by the laws. This, to an un-

reflecting American, appears the most enormous of all the abuses of power; because, he has been used to see fruits hanging in such quantities, that, if not taken by men, they would rot: he has been used to consider them, therefore, as of no value, and as not furnishing materials for the commission of a crime. This must serve as an apology for the arrangement of crimes and punishments, in the scale under our consideration. A different one would be formed here; and still different ones in Italy, Turkey, China, &c.

Page 240. 'Les officiers Americains,' &c. to page 264, 'qui le meritoient.' I would propose to new model this section, in the following manner. 1. Give a succinct history of the origin and establishment of the Cincinnati. 2. Examine whether, in its present form, it threatens any dangers to the State. 3. Propose the most practicable method of preventing them.

Having been in America, during the period in which this institution was formed, and being then in a situation which gave me opportunities of seeing it, in all its stages, I may venture to give M. de Meusnier, materials for the first branch of the preceding distribution of the subject. The second and third, he will best execute himself. I should write its history in the following form.

When, on the close of that war, which established the independence of America, its army was about to be disbanded, the officers, who, during the course of it, had gone through the most trying scenes together, who, by mutual aids and good offices, had become dear to one another, felt with great oppression of mind, the approach of that moment which was to separate them, never, perhaps, to meet again. They were from different States, and from distant parts of the same State. Hazard alone could, therefore, give them but rare and partial occasions of seeing each other. They were, of course, to abandon, altogether, the hope of ever meeting again, or to devise some occasion which might bring them together. And why not come together on purpose, at stated times? Would not the trouble of such a journey be greatly overpaid, by the pleasure of seeing each other again, by the sweetest of all consolations, the talking over the scenes of difficulty and of endearment they had gone through? This, too, would enable them to know, who of them should succeed in the world, who should be unsuccessful, and to open the purses of all to every laboring brother. This idea was too soothing, not to be cherished in conversation. It was improved into that of a regular association, with an organised administration, with periodical meetings, general and particular, fixed contributions for those who should be in distress, and a badge, by which, not only those who had not had occasion to become personally known, should be able to recognise

one another, but which should be worn by their descendants, to perpetuate among them the friendships, which had bound their ancestors together.

General Washington was, at that moment, oppressed with the operation of disbanding an army which was not paid, and the difficulty of this operation was increased, by some two or three States' having expressed sentiments, which did not indicate a sufficient attention to their payment. He was sometimes present, when his officers were fashioning in their conversations, their newly proposed society. He saw the innocence of its origin, and foresaw no effects less innocent. He was, at that time, writing his valedictory letter to the States, which has been so deservedly applauded by the world. Far from thinking it a moment to multiply the causes of irritation, by thwarting a proposition which had absolutely no other basis but that of benevolence and friendship, he was rather satisfied to find himself aided in his difficulties by this new incident, which occupied, and, at the same time, soothed the minds of the officers. He thought, too, that this institution would be one instrument the more, for strengthening the federal bond, and for promoting federal ideas. The institution was formed. They incorporated into it the officers of the French army and navy, by whose sides they had fought, and with whose aid they had finally prevailed, extending it to such grades, as they were told might be permitted to enter into it. They sent an officer to France, to make the proposition to them, and to procure the badges which they had devised for their order. The moment of disbanding the army having come, before they could have a full meeting to appoint their President, the General was prayed to act in that office till their first general meeting, which was to be held at Philadelphia, in the month of May following.

The laws of the society were published. Men who read them in their closets, unwarmed by those sentiments of friendship which had produced them, inattentive to those pains which an approaching separation had excited in the minds of the institutors, politicians, who see in every thing only the dangers with which it threatens civil society, in fine, the laboring people, who, shielded by equal laws, had never seen any difference between man and man, but had read of terrible oppressions, which people of their description experience in other countries, from those who are distinguished by titles and badges, began to be alarmed at this new institution. A remarkable silence, however, was observed. Their solicitudes were long confined within the circles of private conversation. At length, however, a Mr. Burke, Chief Justice of South Carolina, broke that silence. He wrote against the new institution,

foreboding its dangers, very imperfectly indeed, because he had nothing but his imagination to aid him. An American could do no more; for to detail the real evils of aristocracy, they must be seen in Europe. Burke's fears were thought exaggerations in America; while in Europe, it is known that even Mirabeau has but faintly sketched the curses of hereditary aristocracy, as they are experienced here, and as they would have followed in America, nad this institution remained. The epigraph of Burke's pamphlet, was, 'Blow ye the trumpet in Zion.' Its effect corresponded with its epigraph. This institution became, first, the subject of general conversation. Next, it was made the subject of deliberation in the legislative Assemblies of some of the States. The Governor of South Carolina censured it, in an address to the Assembly of that State. The Assemblies of Massachusetts, Rhode Island and Pennsylvania condemned its principles. No circumstance, indeed, brought the consideration of it expressly before Congress; yet it had sunk deep into their minds. An offer having been made to them, on the part of the Polish order of Divine Providence, to receive some of their distinguished citizens into that order, they made that an occasion to declare, that these distinctions were contrary to the principles of their Confederation.

The uneasiness excited by this institution, had very early caught the notice of General Washington. Still recollecting all the purity of the motives which gave it birth, he became sensible that it might produce political evils, which the warmth of those motives had masked. Add to this, that it was disapproved by the mass of citizens of the Union. This, alone, was reason strong enough, in a country where the will of the majority is the law, and ought to be the law. He saw that the objects of the institution were too light, to be opposed to considerations as serious as these; and that it was become necessary to annihilate it absolutely. On this, therefore, he was decided. The first annual meeting at Philadelphia, was now at hand; he went to that, determined to exert all his influence for its suppression. He proposed it to his fellow officers, and urged it with all his powers. It met an opposition which was observed to cloud his face with an anxiety, that the most distressful scenes of the war had scarcely ever produced. It was canvassed for several days, and, at length, it was no more a doubt, what would be its ultimate fate. The order was on the point of receiving its annihilation, by the vote of a great majority of its members. In this moment, their envoy arrived from France, charged with letters from the French officers, accepting with cordiality the proposed badges of union, with solicitations from others to be received into the order, and with notice that their respectable Sove-

reign had been pleased to recognise it, and to permit his officers to wear its badges. The prospect was now changed. The question assumed a new form. After the offer made by them, and accepted by their friends, in what words could they clothe a proposition to retract it, which would not cover themselves with the reproaches of levity and ingratitude? which would not appear an insult to those whom they loved? Federal principles, popular discontent, were considerations whose weight was known and felt by themselves. But would foreigners know and feel them equally? Would they so far acknowledge their cogency, as to permit without any indignation, the eagle and ribbon to be torn from their breasts, by the very hands which had placed them there? The idea revolted the whole society. They found it necessary, then, to preserve so much of their institution as might continue to support this foreign branch, while they should prune off every other, which would give offence to their fellow citizens: thus sacrificing, on each hand, to their friends and to their country.

The society was to retain its existence, its name, its meetings, and its charitable funds: but these last were to be deposited with their respective legislatures. The order was to be no longer hereditary; a reformation, which had been pressed even from this side the Atlantic; it was to be communicated to no new members; the general meetings, instead of annual, were to be triennial only. The eagle and ribbon, indeed, were retained; because they were worn, and they wished them to be worn, by their friends who were in a country where they would not be objects of offence; but themselves never wore them. They laid them up in their bureaus, with the medals of American Independence, with those of the trophies they had taken, and the battles they had won. But through all the United States, no officer is seen to offend the public eye, with the display of this badge. These changes have tranquillized the American States. Their citizens feel too much interest in the reputation of their officers, and value too much, whatever may serve to recal to the memory of their allies, the moments wherein they formed but one people, not to do justice to the circumstance which prevented a total annihilation of the order. Though they are obliged by a prudent foresight, to keep out every thing from among themselves, which might pretend to divide them into orders, and to degrade one description of men below another, yet they hear with pleasure, that their allies, whom circumstances have already placed under these distinctions, are willing to consider it as one, to have aided them in the establishment of their liberties, and to wear a badge which may recal them to [illegible] remembrance; and it would be an extreme affliction

to them, if the domestic reformation which has been found necessary, if the censures of individual writers, or if any other circumstance, should discourage the wearing their badge, or lessen its reputation.

This short, but true history of the order of the Cincinnati, taken from the mouths of persons on the spot, who were privy to its origin and progress, and who know its present state, is the best apology which can be made for an institution, which appeared to be, and was really, so heterogeneous to the governments in which it was erected.

It should be further considered, that, in America, no other distinction between man and man, had ever been known, but that of persons in office, exercising powers by authority of the laws, and private individuals. Among these last, the poorest laborer stood on equal ground with the wealthiest millionary, and generally, on a more favored one, whenever their rights seemed to jar. It has been seen that a shoemaker, or other artisan, removed by the voice of his country from his work bench, into a chair of office, has instantly commanded all the respect and obedience, which the laws ascribe to his office. But, of distinctions by birth or badge, they had no more idea than they had of the mode of existence in the moon or planets. They had heard only that there were such, and knew that they must be wrong. A due horror of the evils which flow from these distinctions, could be excited in Europe only, where the dignity of man is lost in arbitrary distinctions, where the human species is classed into several stages of degradation, where the many are crouched under the weight of the few, and where the order established, can present to the contemplation of a thinking being, no other picture, than that of God Almighty and his angels, trampling under foot the host of the damned. No wonder, then, that the institution of the Cincinnati should be innocently conceived by one order of American citizens, should raise in the other orders, only a slow, temperate, and rational opposition, and should be viewed in Europe as a detestable parricide.

The second and third branches of this subject, no body can better execute than M. de Meusnier. Perhaps, it may be curious to him to see how they strike an American mind at present. He shall, therefore, have the ideas of one, who was an enemy to the institution from the first moment of its conception, but who was always sensible, that the officers neither foresaw nor intended the injury they were doing to their country.

As to the question, then, whether any evil can proceed from the institution, as it stands at present, I am of opinion there may. 1. From the meetings. These will keep the officers formed into a

body; will continue a distinction between the civil and military, which, it would be for the good of the whole to obliterate, as soon as possible; and military assemblies will not only keep alive the jealousies and fears of the civil government, but give ground for these fears and jealousies. For when men meet together, they will make business, if they have none; they will collate their grievances, some real, some imaginary, all highly painted; they will communicate to each other the sparks of discontent; and these may engender a flame, which will consume their particular, as well as the general happiness. 2. The charitable part of the institution is still more likely to do mischief, as it perpetuates the dangers apprehended in the preceding clause. For here is a fund provided, of permanent existence. To whom will it belong? To the descendants of American officers, of a certain description. These descendants, then, will form a body, having a sufficient interest to keep up an attention to their description, to continue meetings, and perhaps, in some moment, when the political eye shall be slumbering, or the firmness of their fellow citizens relaxed, to replace the insignia of the order, and revive all its pretensions. What good can the officers propose, which may weigh against these possible evils? The securing their descendants against want? Why afraid to trust them to the same fertile soil, and the same genial climate, which will secure from want the descendants of their other fellow citizens? Are they afraid they will be reduced to labor the earth for their sustenance? They will be rendered thereby both more honest and happy. An industrious farmer occupies a more dignified place in the scale of beings, whether moral or political, than a lazy lounger, valuing himself on his family, too proud to work, and drawing out a miserable existence, by eating on that surplus of other men's labor, which is the sacred fund of the helpless poor. A pitiful annuity will only prevent them from exerting that industry and those talents, which would soon lead them to better fortune.

How are these evils to be prevented? 1. At their first general meeting, let them distribute the funds on hand to the existing objects of their destination, and discontinue all further contributions. 2. Let them declare, at the same time, that their meetings, general and particular, shall thenceforth cease. 3. Let them melt up their eagles, and add the mass to the distributable fund, that their descendants may have no temptation to hang them in their button holes.

These reflections are not proposed as worthy the notice of M. de Meusnier. He will be so good as to treat the subject in his own way; [redacted] no body has a better. I will only pray him to avail

us of his forcible manner, to evince that there is evil to be apprehended, even from the ashes of this institution, and to exhort the society in America to make their reformation complete; bearing in mind, that we must keep the passions of men on our side, even when we are persuading them to do what they ought to do.

Page 268. 'Et en effet la population,' &c. Page 270. 'Plus de confiance.'

To this, we answer, that no such census of the numbers was ever given out by Congress, nor ever presented to them: and further, that Congress never have, at any time, declared by their vote, the number of inhabitants in their respective States. On the 22nd of June, 1775, they first resolved to emit paper money. The sum resolved on, was two millions of dollars. They declared, then, that the twelve confederate colonies (for Georgia had not yet joined them) should be pledged for the redemption of these bills. To ascertain in what proportion each State should be bound, the members from each were desired to say, as nearly as they could, what was the number of the inhabitants of their respective States. They were very much unprepared for such a declaration. They guessed, however, as well as they could. The following are the numbers, as they conjectured them, and the consequent apportionment of the two millions of dollars.

	Inhabitants.	Dollars.
New Hampshire,	100.000	82.713
Massachusetts,	350.000	289.496
Rhode Island,	58.000	47.973
Connecticut,	200.000	165.426
New York,	200.000	165.426
New Jersey,	130.000	107.527
Pennsylvania,	300.000	248.139
Delaware,	30.000	24.813
Maryland,	250.000	206.763
Virginia,	400.000	330,852
North Carolina,	200.000	165.426
South Carolina,	200.000	165.426
	2.418.000	2.000.000

Georgia, having not yet acceded to the measures of the other States, was not quotaed; but her numbers were generally estimated at about thirty thousand, and so would have made the whole, two million four hundred and forty-eight thousand persons, of every condition. But it is to be observed, that though Congress made

this census the basis of their apportionment, yet they did not even give it a place on their journals; much less, publish it to the world with their sanction. The way it got abroad was this. As the members declared from their seats, the number of inhabitants which they conjectured to be in their State, the secretary of Congress wrote them on a piece of paper, calculated the portion of two millions of dollars, to be paid by each, and entered the sum only in the journals. The members, however, for their own satisfaction, and the information of their States, took copies of this enumeration, and sent them to their States. From thence, they got into the public papers: and when the English news writers found it answer their purpose, to compare this with the enumeration of 1783, as their principle is 'to lie boldly, that they may not be suspected of lying,' they made it amount to three millions one hundred and thirty-seven thousand eight hundred and nine, and ascribed its publication to Congress itself.

In April, 1785, Congress being to call on the States, to raise a million and a half of dollars annually, for twenty-five years, it was necessary to apportion this among them. The States had never furnished them with their exact numbers. It was agreed, too, that in this apportionment, five slaves should be counted as three freemen only. The preparation of this business was in the hands of a committee; they applied to the members for the best information they could give them, of the numbers of their States. Some of the States had taken pains to discover their numbers. Others had done nothing in that way, and, of course, were now where they were in 1775, when their members were first called on to declare their numbers. Under these circumstances, and on the principle of counting three fifths only of the slaves, the committee apportioned the money among the States, and reported their work to Congress. In this, they had assessed South Carolina as having one hundred and seventy thousand inhabitants. The delegates for that State, however, prevailed on Congress to assess them on the footing of one hundred and fifty thousand only, in consideration of the state of total devastation, in which the enemy had left their country. The difference was then laid on the other States, and the following was the result.

	Inhabitants.	Dollars.
New Hampshire,	82.200	52.708
Massachusetts,	350.000	224.427
Rhode Island,	50.400	32.318
Connecticut,	206.000	132.091
New York,	200.000	128.243
New Jersey,	130.000	83.358
Pennsylvania,	320.000	205.189
Delaware,	35.000	22.443
Maryland,	220.700	141.517
Virginia,	400.000	256.487
North Carolina,	170.000	109.006
South Carolina,	150.000	96.183
Georgia,	25.000	16.030
	2.339.300	1.500.000

Still, however, Congress refused to give the enumeration the sanction of a place on their journals, because it was not formed on such evidence, as a strict attention to accuracy and truth required. They used it from necessity, because they could get no better rule, and they entered on their journals only the apportionment of money. The members, however, as before, took copies of the enumeration, which was the ground work of the apportionment, sent them to their States, and thus, this second enumeration got into the public papers, and was, by the English, ascribed to Congress, as their declaration of their present numbers. To get at the real numbers which this enumeration supposes, we must add twenty thousand to the number, on which South Carolina was quotaed; we must consider, that seven hundred thousand slaves are counted but as four hundred and twenty thousand persons, and add, on that account, two hundred and eighty thousand. This will give us a total of two millions six hundred and thirty-nine thousand three hundred inhabitants, of every condition, in the thirteen States; being two hundred and twenty-one thousand three hundred more, than the enumeration of 1775, instead of seven hundred and ninety-eight thousand five hundred and nine less, which the English papers asserted to be the diminution of numbers, in the United States, according to the confession of Congress themselves.

Page 272. 'Comportera peut etre une population de 30,000,000.'

The territory of the United States contains about a million of square miles, English. There is, in them, a greater proportion of fertile lands, than in the British dominions in Europe. Suppose the territory of the United States, then, to attain an equal degree

of population, with the British European dominions; they will have an hundred millions of inhabitants. Let us extend our views, to what may be the population of the two continents of North and South America, supposing them divided at the narrowest part of the isthmus of Panama. Between this line and that of 50° of north latitude, the northern continent contains about five millions of square miles, and south of this line of division, the southern continent contains about seven millions of square miles. I do not pass the 50th degree of northern latitude, in my reckoning, because we must draw a line somewhere, and, considering the soil and climate beyond that, I would only avail my calculation of it, as a make weight, to make good what the colder regions, within that line, may be supposed to fall short in their future population. Here are twelve millions of square miles, then, which, at the rate of population before assumed, will nourish twelve hundred millions of inhabitants, a number greater than the present population of the whole globe is supposed to amount to. If those who propose medals for the resolution of questions, about which nobody makes any question, those who have invited discussion on the pretended problem, Whether the discovery of America was for the good of mankind? if they, I say, would have viewed it only as doubling the numbers of mankind, and, of course, the quantum of existence and happiness, they might have saved the money and the reputation which their proposition has cost them. The present population of the inhabited parts of the United States, is of about ten to the square mile; and experience has shewn us, that wherever we reach that, the inhabitants become uneasy, as too much compressed, and go off, in great numbers, to search for vacant country. Within forty years, their whole territory will be peopled at that rate. We may fix that, then, as the term, beyond which, the people of those States will not be restrained within their present limits; we may fix that population, too, as the limit which they will not exceed, till the whole of those two continents are filled up to that mark; that is to say, till they shall contain one hundred and twenty millions of inhabitants. The soil of the country, on the western side of the Mississippi, its climate, and its vicinity to the United States, point it out as the first which will receive population from that nest. The present occupiers will just have force enough, to repress and restrain the emigrations, to a certain degree of consistence. We have seen, lately, a single person go, and decide on a settlement in Kentucky, many hundred miles from any white inhabitant, remove thither with his family and a few neighbors, and though perpetually harassed by the Indians, that settlement, in the course of ten years, has acquired thirty thousand in-

habitants; its numbers are increasing while we are writing, and the State, of which it formerly made a part, has offered it independence.

Page 280, line five. 'Huit des onze Etats,' &c. Say, 'there were ten States present; six voted unanimously for it, three against it, and one was divided: and seven votes being requisite to decide the proposition affirmatively, it was lost. The voice of a single individual of the State which was divided, or of one of those which were of the negative, would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn, hanging on the tongue of one man, and heaven was silent in that awful moment! But it is to be hoped it will not always be silent, and that the friends to the rights of human nature, will, in the end, prevail.

On the 16th of March, 1785, it was moved in Congress, that the same proposition should be referred to a committee, and it was referred by the votes of eight States against three. We do not hear that any thing further, is yet done on it.'

Page 286. 'L' autorité du Congrés etoit necessaire.' The substance of the passage alluded to, in the journal of Congress, May the 26th, 1784, is, 'That the authority of Congress to make *requisitions* of troops, during peace, is questioned; that such an authority would be dangerous, combined with the acknowledged one of emitting or of borrowing money; and that a few troops only, being wanted, to guard magazines and garrison the frontier posts, it would be more proper, at present, to *recommend* than to require.'

Mr. Jefferson presents his compliments to M. de Meusnier, and sends him copies of the thirteenth, twenty-third, and twenty-fourth articles of the treaty between the King of Prussia and the United States.

If M. de Meusnier proposes to mention the facts of cruelty, of which he and Mr. Jefferson spoke yesterday, the twenty-fourth article will introduce them properly, because they produced a sense of the necessity of that article. These facts are, 1. The death of upwards of eleven thousand American prisoners, in one prison ship (the Jersey,) and in the space of three years. 2. General Howe's permitting our prisoners, taken at the battle of Germantown, and placed under a guard, in the yard of the State-house of Philadelphia, to be so long without any food furnished them, that many perished with hunger. Where the bodies laid, it was seen that they had eaten all the grass around them, within

their reach, after they had lost the power of rising, or moving from their place. 3. The second fact was the act of a commanding officer: the first, of several commanding officers, and, for so long a time, as must suppose the approbation of government. But the following was the act of government itself. During the periods that our affairs seemed unfavorable, and theirs successful, that is to say, after the evacuation of New York, and, again, after the taking of Charleston, in South Carolina, they regularly sent our prisoners, taken on the seas and carried to England, to the East Indies. This is so certain, that in the month of November or December, 1785, Mr. Adams having officially demanded a delivery of the American prisoners sent to the East Indies, Lord Caermarthen answered, officially, 'that orders were immediately issued for their discharge.' M. de Meusnier is at liberty to quote this fact. 4. A fact, to be ascribed not only to the government, but to the parliament, who passed an act for that purpose, in the beginning of the war, was the obliging our prisoners, taken at sea, to join them, and fight against their countrymen. This they effected by starving and whipping them. The insult on Captain Stanhope, which happened at Boston last year, was a consequence of this. Two persons, Dunbar and Lowthorp, whom Stanhope had treated in this manner, (having particularly inflicted twenty-four lashes on Dunbar) meeting him at Boston, attempted to beat him. But the people interposed, and saved him. The fact is referred to in that paragraph of the Declaration of Independence, which says, 'He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.' This was the most afflicting to our prisoners, of all the cruelties exercised on them. The others affected the body only, but this the mind; they were haunted by the horror of having, perhaps, themselves shot the ball by which a father or a brother fell. Some of them had constancy enough, to hold out against half allowance of food, and repeated whippings. These were generally sent to England, and from thence to the East Indies. One of them escaped from the East Indies, and got back to Paris, where he gave an account of his sufferings to Mr. Adams, who happened to be then at Paris.

M. de Meusnier, where he mentions that the slave law has been passed in Virginia, without the clause of emancipation, is pleased to mention, that neither Mr. Wythe, nor Mr. Jefferson was present, to make the proposition they had meditated; from which, people, who do not give themselves the trouble to reflect or inquire, might conclude, hastily, that their absence was the cause

why the proposition was not made; and, of course, that there were not, in the Assembly, persons of virtue and firmness enough, to propose the clause for emancipation. This supposition would not be true. There were persons there, who wanted neither the virtue to propose, nor talents to enforce the proposition, had they seen that the disposition of the legislature was ripe for it. These worthy characters would feel themselves wounded, degraded, and discouraged by this idea. Mr. Jefferson would therefore be obliged to M. de Meusnier, to mention it in some such manner as this. 'Of the two commissioners, who had concerted the amendatory clause for the gradual emancipation of slaves, Mr. Wythe could not be present, he being a member of the judiciary department, and Mr. Jefferson was absent on the legation to France. But there were not wanting in that Assembly, men of virtue enough to propose, and talents to vindicate this clause. But they saw, that the moment of doing it with success, was not yet arrived, and that an unsuccessful effort, as too often happens, would only rivet still closer the chains of bondage, and retard the moment of delivery to this oppressed description of men. What a stupendous, what an incomprehensible machine is man! who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his own liberty, and, the next moment, be deaf to all those motives whose power supported him through his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery, than ages of that which he rose in rebellion to oppose. But we must await, with patience, the workings of an overruling Providence, and hope that that is preparing the deliverance of these, our suffering brethren. When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless, a God of justice will awaken to their distress, and by diffusing light and liberality among their oppressors, or, at length, by his exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of a blind fatality.'

[The following are the articles of the treaty with Prussia, referred to in the preceding observations.]

Article 13. And in the same case, of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings, that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles, carried in the vessels, or by the subjects or citizens of one of the

parties, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time, as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: and it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped, will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Article 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts, and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: and all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen, unarmed, and inhabiting unfortified towns, villages, or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses be burned or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall: but if any thing is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels, employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested. And neither of the contracting parties shall grant, or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels, or interrupt such commerce.

Article 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other and the world,

that they will not adopt any such practice: that neither will send the prisoners whom they may take from the other, into the East Indies or any other parts of Asia or Africa: but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs. That the officers shall be enlarged, on their paroles, within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good, as are provided by the party, in whose power they are, for their own troops; that the officers shall be daily furnished by the party, in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them, with such rations as they allow to a common soldier in their own service; the value whereof shall be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners, at the close of the war: and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports, in open letters, to those who employ him. But if any officer shall break his parole, or any other prisoners shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article, as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this, or the next preceding article, but, on the contrary, that the state of war is precisely that for which they are provided, and during which, they are to be as sacredly observed, as the most acknowledged articles in the law of nature and nations.

LETTER CLII.

TO MR. RITTENHOUSE.

Paris, January 25, 1786.

DEAR SIR,

Your favor of September the 28th, came to hand a few days ago. I thank you for the details on the subject of the southern and western lines. There remains thereon, one article, however, which I will still beg you to inform me of; viz. how far is the western boundary beyond the meridian of Pittsburgh? This information is necessary to enable me to trace that boundary in my map. I shall be much gratified, also, with a communication of your observations on the curiosities of the western country. It will not be difficult, to induce me to give up the theory of the growth of shells, without their being the nidus of animals. It is only an idea, and not an opinion with me. In the Notes with which I troubled you, I had observed that there were three opinions as to the origin of these shells. 1. That they have been deposited even in the highest mountains, by an universal deluge. 2. That they, with all the calcareous stones and earths, are animal remains. 3. That they grow or shoot as chrystals do. I find that I could swallow the last opinion, sooner than either of the others; but I have not yet swallowed it. Another opinion might have been added, that some throe of nature has forced up parts which had been the bed of the ocean. But have we any better proof of such an effort of nature, than of her shooting a lapidific juice into the form of a shell? No such convulsion has taken place in our time, nor within the annals of history: nor is the distance greater, between the shooting of the lapidific juice into the form of a chrystal or a diamond, which we see, and into the form of a shell, which we do not see, than between the forcing volcanic matter a little above the surface, where it is in fusion, which we see, and the forcing the bed of the sea fifteen thousand feet above the ordinary surface of the earth, which we do not see. It is not possible to believe any of these hypotheses; and if we lean towards any of them, it should be only till some other is produced, more analogous to the known operations of nature. In a letter to Mr. Hopkinson, I mentioned to him that the Abbé Rochon, who discovered the double refracting power in some of the natural chrystals, had lately made a telescope with the metal called platina, which, while it is as susceptible of as perfect a polish as the metal heretofore used for the specula of telescopes, is insusceptible of rust,

as gold and silver are. There is a person here, who has hit on a new method of engraving. He gives you an ink of his composition. Write on copper plates, any thing of which you would wish to take several copies, and, in an hour, the plate will be ready to strike them off; so of plans, engravings, &c. This art will be amusing to individuals, if he should make it known. I send you herewith, the nautical almanacs for 1786, 1787, 1788, 1789, 1790, which are as late as they are published. You ask, how you may reimburse the expense of these trifles? I answer, by accepting them; as the procuring you a gratification, is a higher one to me than money. We have had nothing curious published lately. I do not know whether you are fond of chemical reading. There are some things in this science worth reading. I will send them to you, if you wish it. My daughter is well, and joins me in respects to Mrs. Rittenhouse and the young ladies. After asking when we are to have the Lunarium, I will close with assurances of the sincere regard and esteem, with which I am, Dear Sir,

your most obedient
humble servant,
TH: JEFFERSON.

LETTER CLIII.

TO A. STEWART, ESQ.

Paris, January 25, 1786.

DEAR SIR,

I have received your favor of the 17th of October, which, though you mention it as the third you have written me, is the first that has come to hand. I sincerely thank you for the communications it contains. Nothing is so grateful to me, at this distance, as details, both great and small, of what is passing in my own country. Of the latter, we receive little here, because they either escape my correspondents, or are thought unworthy of notice. This, however, is a very mistaken opinion, as every one may observe, by recollecting, that when he has been long absent from his neighborhood, the small news of that is the most pleasing, and occupies his first attention, either when he meets with a person from thence, or returns thither himself. I still hope, therefore, that the letter, in which you have been so good as to give me the minute occurrences in the neighborhood of Monticello, may yet come to hand, and I venture to rely on the many proofs of friendship I

have received from you, for a continuance of your favors. This will be the more meritorious, as I have nothing to give you in exchange.

The quiet of Europe, at this moment, furnishes little which can attract your notice. Nor will that quiet be soon disturbed, at least for the current year. Perhaps, it hangs on the life of the King of Prussia, and that hangs by a very slender thread. American reputation, in Europe, is not such as to be flattering to its citizens. Two circumstances are particularly objected to us; the non-payment of our debts, and the want of energy in our government. These discourage a connection with us. I own it to be my opinion, that good will arise from the destruction of our credit. I see nothing else which can restrain our disposition to luxury, and to the change of those manners which alone can preserve republican government. As it is impossible to prevent credit, the best way would be to cure its ill effects, by giving an instantaneous recovery to the creditor. This would be reducing purchases on credit, to purchases for ready money. A man would then see a prison painted on every thing he wished, but had not ready money to pay for.

I fear from an expression in your letter, that the people of Kentucky think of separating, not only from Virginia (in which they are right,) but also from the confederacy. I own, I should think this a most calamitous event, and such a one as every good citizen should set himself against. Our present federal limits are not too large for good government, nor will the increase of votes in Congress produce any ill effect. On the contrary, it will drown the little divisions at present existing there. Our confederacy must be viewed as the nest, from which all America, North and South, is to be peopled. We should take care, too, not to think it for the interest of that great continent, to press too soon on the Spaniards. Those countries cannot be in better hands. My fear is, that they are too feeble to hold them till our population can be sufficiently advanced, to gain it from them, piece by piece. The navigation of the Mississippi we must have. This is all we are, as yet, ready to receive. I have made acquaintance with a very sensible, candid gentleman, here, who was in South America during the revolt which took place there, while our Revolution was going on. He says, that those disturbances (of which we scarcely heard any thing) cost, on both sides, an hundred thousand lives.

I have made a particular acquaintance here, with Monsieur de Buffon, and have a great desire to give him the best idea I can of our [redacted]. Perhaps your situation may enable you to aid me in

this. You could not oblige me more, than by sending me the horns, skeleton and skin of an elk, were it possible to procure them. The mostdesirable form of receiving them, would be, to have the skin slit from the under jaw along the belly to the tail, and down the thighs to the knee, to take the animal out, leaving the legs and hoofs, the bones of the head, and the horns attached to the skin. By sewing up the belly, &c. and stuffing the skin, it would present the form of the animal. However, as an opportunity of doing this is scarcely to be expected, I shall be glad to receive them detached, packed in a box and sent to Richmond, to the care of Dr. Currie. Every thing of this kind is precious here. And to prevent my adding to your trouble, I must close my letter, with assurances of the esteem and attachment, with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CLIV.

TO THE COMMISSIONERS OF THE TREASURY.

Paris, January 26, 1786.

GENTLEMEN,

I have been duly honored by the receipt of your letter, of December the 6th, and am to thank you for the communications it contained, on the state of our funds and expectations here. Your idea, that these communications, occasionally, may be useful to to the United States, is certainly just, as I am frequently obliged to explain our prospects of paying interest, &c. which, I should better do, with fuller information. If you would be so good as to instruct Mr. Grand, always to furnish me with a duplicate of those cash accounts which he furnishes to you, from time to time, and if you would be so good as to direct your secretary, to send me copies of such letters, as you transmit to Mr. Grand, advising him of the remittances he may expect, from time to time, I should, thereby, be always informed of the sum of money on hand here, and the probable expectations of supply. Dr. Franklin, during his residence here, having been authorised to borrow large sums of money, the disposal of that money seemed naturally to rest with him. It was Mr. Grand's practice, therefore, never to pay money, but on his warrant. On his departure, Mr. Grand sent all money drafts to me, to authorise their payment. I informed him, that this was in nowise within my province, that I was unqualified

to direct him in it, and that were I to presume to meddle, it would be no additional sanction to him. He refused, however, to pay a shilling without my order. I have been obliged, therefore, to a nugatory interference, merely to prevent the affairs of the United States from standing still. I need not represent to you the impropriety of my continuing to direct Mr. Grand, longer than till we can receive your orders, the mischief which might ensue from the uncertainty in which this would place you, as to the extent to which you might venture to draw on your funds here, and the little necessity there is for my interference. Whenever you order a sum of money into Mr. Grand's hands, nothing will be more natural than your instructing him how to apply it, so as that he shall observe your instructions alone. Among these, you would doubtless judge it necessary to give him one standing instruction, to answer my drafts for such sums, as my office authorises me to call for. These would be salary, couriers, postage, and such other articles as circumstances will require, which cannot be previously defined. These will never be so considerable, as to endanger the honor of your drafts; I shall certainly exercise in them the greatest caution, and stand responsible to Congress.

Mr. Grand conceives that he has suffered in your opinion, by an application of two hundred thousand livres, during the last year, differently from what the office of finance had instructed him. This was a consequence of his being thought subject to direction here, and it is but justice to relieve him from blame on that account, and to shew that it ought to fall, if any where, on Dr. Franklin, Mr. Adams and myself. The case was thus. The monies here were exhausted, Mr. Grand was in advance about fifty thousand livres, and the diplomatic establishments in France, Spain and Holland, subsisting on his bounties, which they were subject to see stopped, every moment, and feared a protest on every bill. Other current expenses, too, were depending on advances from him, and though these were small in their amount, they sometimes involved great consequences. In this situation, he received four hundred thousand livres, to be paid to this government for one year's interest. We thought the honor of the United States, would suffer less by suspending half the payment to this government, replacing Mr. Grand's advances, and providing a fund for current expenses. We advised him so to do. I still think it was for the best, and I believe my colleagues have continued to see the matter in the same point of view. We may have been biassed by feelings excited by our own distressing situation. But certainly as to Mr. Grand, no blame belongs to him. We explain[illegible] matter in a letter to Congress, at the time, and justice

requires this explanation to you, as I conjecture that the former one has not come to your knowledge.

The two hundred thousand livres retained, as before mentioned, have been applied to the purposes described, to the payment of a year's interest to the French officers, (which is about forty-two thousand livres) and other current expenses, which, doubtless, Mr. Grand has explained to you. About a week ago, there remained in his hands but about twelve thousand livres. In this situation, the demands of the French officers for a second year's interest, were presented. But Mr. Grand observed there were neither money nor orders for them. The payment of these gentlemen, the last year, had the happiest effect imaginable. It procured so many advocates for the credit and honor of the United States, who were heard in all companies. It corrected the idea that we were unwilling to pay our debts. I fear that our present failure towards them, will give new birth to new imputations, and a relapse of credit. Under this fear, I have written to Mr. Adams, to know whether he can have this money supplied from the funds in Holland ; though I have little hope from that quarter, because he had before informed me, that those funds would be exhausted by the spring of the present year, and I doubt, too, whether he would venture to order these payments, without authority from you. I have thought it my duty to state these matters to you.

I have had the honor of enclosing to Mr. Jay, Commodore Jones's receipts for one hundred and eighty one thousand and thirty-nine livres, one sol and ten deniers, prize money, which (after deducting his own proportion) he is to remit to you, for the officers and soldiers who were under his command. I take the liberty of suggesting, whether the expense and risk of double remittances might not be saved, by ordering it into the hands of Mr. Grand, immediately, for the purposes of the treasury in Europe, while you could make provision at home for the officers and soldiers, whose demands will come in so slowly, as to leave you the use of a great proportion of this money, for a considerable time, and some of it for ever. We could then, immediately, quiet the French officers.

I have the honor to be, with the most perfect respect and esteem, Gentlemen,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CLV

TO MESSRS. BUCHANAN AND HAY.

Paris, January 26, 1786.

GENTLEMEN,

I had the honor of writing to you, on the receipt of your orders to procure draughts for the public buildings, and again, on the 13th of August. In the execution of these orders, two methods of proceeding presented themselves to my mind. The one was, to leave to some architect to draw an external according to his fancy, in which way, experience shews, that, about once in a thousand times, a pleasing form is hit upon; the other was, to take some model already devised, and approved by the general suffrage of the world. I had no hesitation in deciding that the latter was best, nor after the decision, was there any doubt what model to take. There is at Nismes, in the south of France, a building called the Maison quarrée, erected in the time of the Cæsars, and which is allowed, without contradiction, to be the most perfect and precious remain of antiquity in existence. Its superiority over any thing at Rome, in Greece, at Balbec or Palmyra, is allowed on all hands; and this single object has placed Nismes in the general tour of travellers. Having not yet had leisure to visit it, I could only judge of it from drawings, and from the relation of numbers who had been to see it. I determined, therefore, to adopt this model, and to have all its proportions justly observed. As it was impossible for a foreign artist to know, what number and sizes of apartments would suit the different corps of our government, nor how they should be connected with one another, I undertook to form that arrangement, and this being done, I committed them to an architect (Monsieur Clerissault) who had studied this art twenty years in Rome, who had particularly studied and measured the Maison quarrée of Nismes, and had published a book containing most excellent plans, descriptions, and observations on it. He was too well acquainted with the merit of that building, to find himself restrained by my injunctions not to depart from his model. In one instance, only, he persuaded me to admit of this. That was, to make the portico two columns deep only, instead of three, as the original is. His reason was, that this latter depth would too much darken the apartments. Economy might be added, as a second reason. I consented to it, to satisfy him, and the plans are so drawn. I knew that it would still be easy to execute the

building with a depth of three columns, and it is what I would certainly recommend. We know that the Maison quarrée has pleased, universally, for near two thousand years. By leaving out a column, the proportions will be changed, and perhaps the effect may be injured more than is expected. What is good, is often spoiled by trying to making it better.

The present is the first opportunity which has occurred of sending the plans. You will, accordingly, receive herewith the ground plan, the elevation of the front, and the elevation of the side. The architect having been much busied, and knowing that this was all which would be necessary in the beginning, has not yet finished the sections of the building. They must go by some future occasion, as well as the models of the front and side, which are making in plaister of Paris. These were absolutely necessary for the guide of workmen, not very expert in their art. It will add considerably to the expense, and I would not have incurred it, but that I was sensible of its necessity. The price of the model will be fifteen guineas. I shall know in a few days, the cost of the drawings, which probably will be the triple of the model: however, this is but conjecture. I will make it as small as possible, pay it, and render you an account in my next letter. You will find, on examination, that the body of this building covers an area, but two fifths of that which is proposed and begun; of course, it will take but about one half the bricks; and, of course, this circumstance will enlist all the workmen, and people of the art against the plan. Again, the building begun, is to have four porticoes; this but one. It is true that this will be deeper than those were probably proposed, but even if it be made three columns deep, it will not take half the number of columns. The beauty of this is insured by experience, and by the suffrage of the whole world: the beauty of that is problematical, as is every drawing, however well it looks on paper, till it be actually executed: and though I suppose there is more room in the plan begun, than in that now sent, yet there is enough in this for all the three branches of government, and more than enough is not wanted. This contains sixteen rooms; to wit, four on the first floor, for the General Court, Delegates, lobby, and conference. Eight on the second floor, for the Executive, the Senate, and six rooms for committees and juries: and over four of these smaller rooms of the second floor, are four mezzininos or entresols, serving as offices for the clerks of the Executive, the Senate, the Delegates, and the Court in actual session. It will be an objection, that the work is begun on the other plan. But the whole of this need not be taken to pieces, and of what shall be taken to pieces, the bricks

will do for inner work. Mortar never becomes so hard and adhesive to the bricks, in a few months, but that it may be easily chipped off. And upon the whole, the plan now sent will save a great proportion of the expense.

Hitherto, I have spoken of the capitol only. The plans for the prison, also, accompany this. They will explain themselves. I send, also, the plan of the prison proposed at Lyons, which was sent me by the architect, and to which we are indebted for the fundamental idea of ours. You will see, that of a great thing a very small one is made. Perhaps you may find it convenient to build, at first, only two sides, forming an L; but of this, you are the best judges. It has been suggested to me, that fine gravel, mixed in the mortar, prevents the prisoners from cutting themselves out, as that will destroy their tools. In my letter of August the 13th, I mentioned that I could send workmen from hence. As I am in hopes of receiving your orders precisely, in answer to that letter, I shall defer actually engaging any, till I receive them. In like manner, I shall defer having plans drawn for a Governor's house, &c., till further orders; only assuring you, that the receiving and executing these orders, will always give me a very great pleasure, and the more, should I find that what I have done meets you approbation.

I have the honor to be, with sentiments of the most perfect esteem, gentlemen,

your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CLVI.

TO JOHN ADAMS.

Paris, February 7, 1786.

DEAR SIR,

I am honored with yours of January the 19th. Mine of January the 12th, had not, I suppose, at that time got to your hands, as the receipt of it is unacknowledged. I shall be anxious till I receive your answer to it.

I was perfectly satisfied before I received your letter, that your opinion had been misunderstood or misrepresented in the case of the Chevalier de Mezieres. Your letter, however, will enable me to say so with authority. It is proper it should be known, that you had not given the opinion imputed to you, though, as to the

main question, it is become useless; Monsieur de Reyneval having assured me, that what I had written on that subject, had perfectly satisfied the Count de Vergennes and himself, that this case could never come under the treaty. To evince, still further, the impropriety of taking up subjects gravely, on such imperfect information as this court had, I have this moment received a copy of an act of the Georgia Assembly, placing the subjects of France, as to real estates, on the footing of natural citizens, and expressly recognising the treaty. Would you think any thing could be added, after this, to put this question still further out of doors? A gentleman of Georgia assured me, General Oglethorpe did not own a foot of land in the State. I do not know whether there has been any American determination on the question, whether American citizens and British subjects, born before the Revolution, can be aliens to one another? I know there is an opinion of Lord Coke's, in Colvin's case, that if England and Scotland should, in a course of descent, pass to separate Kings, those born under the same sovereign during the union, would remain natural subjects and not aliens. Common sense urges some considerations against this. Natural subjects owe allegiance; but we owe none. Aliens are the subjects of a foreign power; we are subjects of a foreign power. The King, by the treaty, acknowledges our independence; how then can we remain natural subjects? The King's power is, by the constitution, competent to the making peace, war and treaties. He had, therefore, authority to relinquish our allegiance by treaty. But if an act of parliament had been necessary, the parliament passed an act to confirm the treaty. So that it appears to me, that in this question, fictions of law alone, are opposed to sound sense.

I am in hopes Congress will send a minister to Lisbon. I know no country, with which we are likely to cultivate a more useful commerce. I have pressed this in my private letters.

It is difficult to learn any thing certain here, about the French and English treaty. Yet, in general, little is expected to be done between them. I am glad to hear that the Delegates of Virginia, had made the vote relative to English commerce, though they afterwards repealed it. I hope they will come to again. When my last letters came away, they were engaged in passing the revisal of their laws, with some small alterations. The bearer of this, Mr. Lyons, is a sensible, worthy, young physician, son of one of our judges, and on his return to Virginia. Remember me with affection to Mrs. and Miss Adams, Colonels Smith and Humphreys, and be assured of the esteem with which I am, Dear Sir,

your friend and servant,

TH: JEFFERSON.

LETTER CLVII.

TO JAMES MADISON.

Paris, February 8, 1786.

DEAR SIR,

My last letters were of the 1st and 20th of September, and the 28th of October. Yours, unacknowledged, are of August the 20th, October the 3rd, and November the 15th. I take this, the first safe opportunity, of enclosing to you the bills of lading for your books, and two others for your namesake of Williamsburg, and for the attorney, which I will pray you to forward. I thank you for the communication of the remonstrance against the assessment. Mazzei, who is now in Holland, promised me to have it published in the Leyden gazette. It will do us great honor. I wish it may be as much approved by our Assembly, as by the wisest part of Europe. I have heard, with great pleasure, that our Assembly have come to the resolution, of giving the regulation of their commerce to the federal head. I will venture to assert, that there is not one of its opposers, who, placed on this ground, would not see the wisdom of this measure. The politics of Europe render it indispensably necessary, that, with respect to every thing external, we be one nation only, firmly hooped together. Interior government is what each State should keep to itself. If it were seen in Europe, that all our States could be brought to concur in what the Virginia Assembly has done, it would produce a total revolution in their opinion of us, and respect for us. And it should ever be held in mind, that insult and war are the consequences of a want of respectability in the national character. As long as the States exercise, separately, those acts of power which respect foreign nations, so long will there continue to be irregularities committed by some one or other of them, which will constantly keep us on an ill footing with foreign nations.

I thank you for your information as to my Notes. The copies I have remaining shall be sent over, to be given to some of my friends, and to select subjects in the College. I have been unfortunate here with this trifle. I gave out a few copies only, and to confidential persons, writing in every copy a restraint against its publication. Among others, I gave a copy to a Mr. Williams: he died. I immediately took every precaution I could, to recover this copy. But, by some means or other, a bookseller had got hold of it. He employed a hireling translator, and is about publishing it in the most injurious form possible. I am now at a loss

what to do as to England. Every thing, good or bad, is thought worth publishing there; and I apprehend a translation back from the French, and a publication there. I rather believe it will be most eligible to let the original come out in that country: but am not yet decided.

I have purchased little for you in the book way, since I sent the catalogue of my former purchases. I wish, first, to have your answer to that, and your information, what parts of these purchases went out of your plan. You can easily say, buy more of this kind, less of that, &c. My wish is to conform myself to yours. I can get for you the original Paris edition of the Encyclopedie, in thirty-five volumes, folio, for six hundred and twenty livres; a good edition, in thirty-nine volumes, 4to, for three hundred and eighty livres; and a good one, in thirty-nine volumes, 8vo, for two hundred and eighty livres. The new one will be superior in far the greater number of articles; but not in all. And the possession of the antient one has, moreover, the advantage of supplying present use. I have bought one for myself, but wait your orders as to you. I remember your purchase of a watch in Philadelphia. If it should not have proved good, you can probably sell it. In that case, I can get for you here, one made as perfect as human art can make it, for about twenty-four louis. I have had such a one made, by the best and most faithful hand in Paris. It has a second hand, but no repeating, no day of the month, nor other useless thing to impede and injure the movements which are necessary. For twelve louis more, you can have in the same cover, but on the back, and absolutely unconnected with the movements of the watch, a pedometer, which shall render you an exact account of the distances you walk. Your pleasure hereon shall be awaited.

Houdon has returned. He called on me, the other day, to remonstrate against the inscription proposed for General Washington's statue. He says it is too long to be put on the pedestal. I told him, I was not at liberty to permit any alteration, but I would represent his objection to a friend, who could judge of its validity, and whether a change could be authorised. This has been the subject of conversations here, and various devices and inscriptions have been suggested. The one which has appeared best to me, may be translated as follows: 'Behold, Reader, the form of George Washington. For his worth, ask History; that will tell it, when this stone shall have yielded to the decays of time. His country erects this monument: Houdon makes it.' This for one side. On the second, represent the evacuation of Boston, with the motto, 'Hostibus primum fugatis.' On the third, the

capture of the Hessians, with 'Hostibus iterum devictis.' On the fourth, the surrender of York, with 'Hostibus ultimum debellatis.' This is seizing the three most brilliant actions of his military life. By giving out, here; a wish of receiving mottos for this statue, we might have thousands offered, from which still better might be chosen. The artist made the same objection, of length, to the inscription for the bust of the Marquis de la Fayette. An alteration of that might come in time still, if an alteration was wished. However, I am not certain that it is desirable in either case. The State of Georgia has given twenty thousand acres of land, to the Count d' Estaing. This gift is considered here, as very honorable to him, and it has gratified him much. I am persuaded, that a gift of lands by the State of Virginia to the Marquis de la Fayette, would give a good opinion here, of our character, and would reflect honor on the Marquis. Nor, am I sure that the day will not come, when it might be an useful asylum to him. The time of life at which he visited America, was too well adapted to receive good and lasting impressions, to permit him ever to accommodate himself to the principles of monarchical government; and it will need all his own prudence, and that of his friends, to make this country a safe residence for him. How glorious, how comfortable in reflection, will it be, to have prepared a refuge for him in case of a reverse. In the mean time, he could settle it with tenants from the freest part of this country, Bretaigne. I have never suggested the smallest idea of this kind to him: because the execution of it should convey the first notice. If the State has not a right to give him lands with their own officers, they could buy up, at cheap prices, the shares of others. I am not certain, however, whether in the public or private opinion, a similar gift to Count Rochambeau could be dispensed with. If the State could give to both, it would be better: but, in any event, I think they should to the Marquis. Count Rochambeau, too, has really deserved more attention than he has received. Why not set up his bust, that of Gates, Greene, Franklin, in your new capitol? A propos of the capitol. Do, my dear friend, exert yourself to get the plan begun on, set aside, and that adopted, which was drawn here. It was taken from a model which has been the admiration of sixteen centuries; which has been the object of as many prilgrimages as the tomb of Mahomet; which will give unrivalled honor to our State, and furnish a model whereon to form the taste of our young men. It will cost much less too, than the one begun; because, it does not cover one half of the area. Ask, if you please, a sight of my letter of January

the 26th, to Messrs. Buchanan and Hay, which will spare me the repeating its substance here.

Every thing is quiet in Europe. I recollect but one new invention in the arts, which is worth mentioning. It is a mixture of the arts of engraving and printing, rendering both cheaper. Write or draw any thing on a plate of brass, with the ink of the inventor, and, in half an hour, he gives you engraved copies of it, so perfectly like the original, that they could not be suspected to be copies. His types for printing a whole page, are all in one solid piece. An author, therefore, only prints a few copies of his work, from time to time, as they are called for. This saves the loss of printing more copies than may posssbly be sold, and prevents an edition from being ever exhausted.

I am, with a lively esteem, Dear Sir,

your sincere friend and servant,

TH: JEFFERSON.

LETTER CLVIII.

TO THE MARQUIS DE LA FAYETTE.

Paris, February 9, 1786.

DEAR SIR,

The Mr. John Ledyard, who proposes to undertake the journey through the northern parts of Asia and America, is a citizen of Connecticut, one of the United States of America. He accompanied Captain Cook in his last voyage to the north western parts of America, and rendered himself useful to that officer, on some occasions, by a spirit of enterprise which has distinguished his whole life. He has genius, and education better than the common, and a talent for useful and interesting observation. I believe him to be an honest man, and a man of truth. To all this, he adds just as much singularity of character, and of that particular kind too, as was necessary to make him undertake the journey he proposes. Should he get safe through it, I think he will give an interesting account of what he shall have seen.

I have the honor to be, with sentiments of sincere esteem and respect, Dear Sir.

your most obedient and

most humble servant,

TH: JEFFERSON.

LETTER CLIX.

TO MONSIEUR HILLIARD D'AUBERTEUIL.

Paris, February 20, 1786.

SIR,

I have been honored with your letter, and the books which accompanied it, for which I return you my hearty thanks. America cannot but be flattered with the choice of the subject, on which you are at present employing your pen. The memory of the American Revolution will be immortal, and will immortalise those who record it. The reward is encouraging, and will justify all those pains, which a rigorous investigation of facts will render necessary. Many important facts, which preceded the commencement of hostilities, took place in England. These may mostly be obtained from good publications in that country. Some took place in this country. They will be probably hidden from the present age. But America is the field where the greatest mass of important events were transacted, and where, alone, they can now be collected. I therefore much applaud your idea of going to that country, for the verification of the facts you mean to record. Every man there, can tell you more than any man here, who has not been there: and the very ground itself, will give you new insight into some of the most interesting transactions. If I can be of service to you, in promoting your object there, I offer myself freely to your use. I shall be flattered by the honor of your visit here, at any time. I am seldom from home before noon; but if any later hour should suit you better, I will take care to be at home, at any hour and day, you will be pleased to indicate.

I have the honor to be, with great respect, Sir,

your most obedient humble servant,

TH: JEFFERSON.

LETTER CLX.

TO THE COUNT DE VERGENNES.

Paris, February 28, 1786.

SIR,

Circumstances of public duty calling me suddenly to London, I take the liberty of mentioning it to your Excellency, and of asking a few minutes audience of you, at as early a day and hour as

will be convenient to you, and that you will be so good as to indicate them to me. I would wish to leave Paris about Friday or Saturday, and suppose that my stay in London will be of about three weeks. I shall be happy to be the bearer of any commands your Excellency may have for that place, and will faithfully execute them. I cannot omit mentioning, how pleasing it would be to me to be enabled, before my departure, to convey to the American prisoners at St. Pol de Leon such mitigation of their fate, as may be thought admissible.

I have the honor to be, with sentiments of the highest respect and esteem, your Excellency's

most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CLXI.

TO MONSIEUR DE REYNEVAL.

Paris, March 3, 1786.

SIR,

His Excellency, Count de Vergennes, having been pleased to say that he would give orders at Calais, for the admission of certain articles which I wish to bring with me from England, I have thought it best to give a description of them, before my departure. They will be as follows:

1. A set of table furniture, consisting of China, silver and plated ware, distributed into three or four boxes or canteens, for the convenience of removing them.
2. A box containing small tools for wooden and iron work, for my own amusement.
3. A box, probably, of books.
4. I expect to bring with me a riding horse, saddle, &c.

The mathematical instruments will probably be so light, that I may bring them in my carriage, in which case, I presume they will pass with my baggage, under the authority of the passport for my person. If these orders can be made out in time, I would willingly be the bearer of them myself.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir,

your most obedient servant,
TH: JEFFERSON.

LETTER CLXII.

TO JOHN JAY.

London, March 12, 1786.

SIR,

The date of a letter from London, will doubtless be as unexpected to you, as it was unforeseen by myself, a few days ago. On the 27th of the last month, Colonel Smith arrived in Paris, with a letter from Mr. Adams, informing me that there was at this place, a minister from Tripoli, having general powers to enter into treaties on behalf of his State, and with whom it was possible we might do something, under our commission to that power: and that he gave reason to believe, he could also make arrangements with us, for Tunis. He further added, that the minister of Portugal here, had received ultimate instructions from his court, and that, probably, that treaty might be concluded in the space of three weeks, were we all on the spot together. He, therefore, pressed me to come over immediately. The first of these objects had some weight on my mind, because, as we had sent no person to Tripoli or Tunis, I thought, if we could meet a minister from them on this ground, our arrangements would be settled much sooner, and at less expense. But what principally decided me, was, the desire of bringing matters to a conclusion with Portugal, before the term of our commissions should expire, or any new turn in the negotiations of France and England, should abate their willingness to fix a connection with us. A third motive had also its weight. I hoped that my attendance here, and the necessity of shortening it, might be made use of to force a decisive answer from this court. I therefore concluded to comply with Mr. Adams's request. I went immediately to Versailles, and apprised the Count de Vergennes, that circumstances of public duty called me hither for three or four weeks, arranged with him some matters, and set out with Colonel Smith for this place, where we arrived last night, which was as early as the excessive rigour of the weather admitted. I saw Mr. Adams immediately, and again to-day. He informs me, that the minister of Portugal was taken ill five or six days ago, has been very much so, but is now somewhat better. It would be very mortifying, indeed, should this accident, with the shortness of the term to which I limit my stay here, defeat what was the principal object of my journey, and that, without which, I should hardly have undertaken it. With respect to this country, I had no doubt but that every consideration had been urged by Mr. Adams, which

was proper to be urged. Nothing remains undone in this way. But we shall avail ourselves of my journey here, as if made on purpose, just before the expiration of our commission, to form our report to Congress on the execution of that commission, which report, they may be given to know, cannot be formed without decisive information of the ultimate determination of their court. There is no doubt what that determination will be: but it will be useful to have it; as it may put an end to all further expectations on our side the water, and shew that the time is come for doing whatever is to be done by us, for counteracting the unjust and greedy designs of this country. We shall have the honor, before I leave this place, to inform you of the result of the several matters which have brought me to it.

A day or two before my departure from Paris, I received your letter of January ——. The question therein proposed, How far France considers herself as bound to insist on the delivery of the posts, would infallibly produce another, How far we consider ourselves as guarantees of their American possessions, and bound to enter into any future war, in which these may be attacked? The words of the treaty of alliance seem to be without ambiguity on either head, yet, I should be afraid to commit Congress, by answering without authority. I will endeavor, on my return, to sound the opinion of the minister, if possible, without exposing myself to the other question. Should any thing forcible be meditated on these posts, it would possibly be thought prudent, previously to ask the good offices of France, to obtain their delivery. In this case, they would probably say, we must first execute the treaty, on our part, by repealing all acts which have contravened it. Now, this measure, if there be any candor in the court of London, would suffice to obtain a delivery of the posts from them, without the mediation of any third power. However, if this mediation should be finally needed, I see no reason to doubt our obtaining it, and still less to question its omnipotent influence on the British court.

I have the honor to be, with the highest respect and esteem,
Sir, your most obedient and
most humble servant,
TH: JEFFERSON.

LETTER CLXIII.

TO COLONEL HUMPHREYS.

London, March 14, 1786.

Dear Sir,

I have been honored with your letter, in which you mention to me your intention of returning to America in the April packet. It is with sincere concern that I meet this event, as it deprives me not only of your aid in the office in which we have been joined, but also of your society; which has been to me a source of the greatest satisfaction. I think myself bound to return you my thanks for it, and, at the same time, to bear testimony, that in the discharge of the office of secretary of legation to the several commissions, you have fulfilled all its duties with readiness, propriety and fidelity. I sincerely wish, that on your return, our country may avail itself of your talents in the public service, and that you may be willing so to employ them. You carry with you my wishes for your prosperity, and a desire of being instrumental to it: and I hope, that in every situation in which we may be placed, you will freely command and count on my services. I will beg to be favored with your letters, whenever it is convenient. You have seen our want of intelligence here, and well know the nature of that which will be useful or agreeable. I fear I shall have little interesting to give you in return; but such news as my situation affords, you shall be sure to receive. I pray you to be the bearer of the enclosed letter to Mr. Jay, to accept my wishes for a favorable passage, a happy meeting with your friends, and for every future felicity which this life can afford, being, with the greatest esteem, Dear Sir,

your sincere friend, and
most humble servant,
Th: Jefferson.

APPENDIX.

[Note A.]

TO THE GOVERNOR OF VIRGINIA.

Kaskaskias, Illinois, April 29, 1779.

Dear Sir,

A few days ago, I received certain intelligence of William Morris, my express to you, being killed near the falls of Ohio; news truly disagreeable to me, as I fear many of my letters will fall into the hands of the enemy, at Detroit, although some of them, as I learn, were found in the woods torn in pieces. I do not doubt but before the receipt of his, you will have heard of my late success against Governor Hamilton, at post St. Vincenne. That gentleman, with a body of men, possessed himself of that post on the 15th of December last, repaired the fortifications for a repository, and in the spring, meant to attack this place, which he made no doubt of carrying; where he was to be joined by two hundred Indians from Michilimackinac, and five hundred Cherokees, Chickasaws, and other nations. With this body, he was to penetrate up the Ohio to Fort Pitt, sweeping Kentucky on his way, having light brass canon for the purpose, joined on his march, by all the Indians that could be got to him. He made no doubt, that he could force all West Augusta. This expedition was ordered by the commander in chief of Canada. Destruction seemed to hover over us from every quarter; detached parties of the enemy were in the neighborhood every day, but afraid to attack. I ordered Major Bowman to evacuate the fort at the Cohas, and join me immediately, which he did. Having not received a scrape of a pen from you, for near twelve months, I could see but little probability of keeping possession of the country, as my number of men was too small to stand a siege, and my situation too remote to call for assistance. I made all the preparations I possibly could for the attack, and was necessitated to set fire to some of the houses in town, to clear them out of the way. But in the height

of the hurry, a Spanish merchant, who had been at St. Vincenne, arrived, and gave the following intelligence: that Mr. Hamilton had weakened himself, by sending his Indians against the frontiers, and to block up the Ohio; that he had not more than eighty men in garrison, three pieces of cannon, and some swivels mounted; and that he intended to attack this place, as soon as the winter opened, and made no doubt of clearing the western waters by the fall. My situation and circumstances induced me to fall on the resolution of attacking him, before he could collect his Indians again. I was sensible the resolution was as desperate as my situation, but I saw no other probability of securing the country. I immediately despatched a small galley, which I had fitted up, mounting two four pounders and four swivels, with a company of men and necessary stores on board, with orders to force her way, if possible, and station herself a few miles below the enemy, suffer nothing to pass her, and wait for further orders. In the mean time, I marched across the country with one hundred and thirty men, being all I could raise, after leaving this place garrisoned by the militia. The inhabitants of the country behaved exceedingly well, numbers of young men turned out on the expedition, and every other one embodied to guard the different towns. I marched the 7th of February. Although so small a body, it took me sixteen days on the route. The inclemency of the season, high waters, &c. seemed to threaten the loss of the expedition. When within three leagues of of the enemy, in a direct line, it took us five days to cross the drowned lands of the Wabash river, having to wade often, upwards of two leagues, to our breast in water. Had not the weather been warm, we must have perished. But on the evening of the 23rd, we got on dry land, in sight of the enemy; and at seven o'clock, made the attack, before they knew any thing of us. The town immediately surrendered with joy, and assisted in the seige. There was a continual fire on both sides, for eighteen hours. I had no expectation of gaining the fort until the arrival of my artillery. The moon setting about one o'clock, I had an entrenchment thrown up within rifle shot of their strongest battery, and poured such showers of well directed balls into their ports, that we silenced two pieces of cannon in fifteen minutes, without getting a man hurt.

Governor Hamilton and myself had, on the following day, several conferences, but did not agree until the evening, when he agreed to surrender the garrison (seventy-nine in number) prisoners of war, with considerable stores. I got only one man wounded; not being able to lose many, I made them secure themselves well. Seven were badly wounded in the fort, through the ports. In the height of

this action, an Indian party that had been to war, and taken two prisoners, came in, not knowing of us. Hearing of them, I despatched a party to give them battle in the commons, and got nine of them, with the two prisoners, who proved to be Frenchmen. Hearing of a convoy of goods from Detroit, I sent a party of sixty men, in armed boats well mounted with swivels, to meet them, before they could receive any intelligence. They met the convoy forty leagues up the river, and made a prize of the whole, taking forty prisoners and about ten thousand pounds worth of goods and provisions; also, the mail from Canada to Governor Hamilton, containing, however, no news of importance. But what crowned the general joy, was the arrival of William Morris, my express to you, with your letters, which gave general satisfaction. The soldiery, being made sensible of the gratitude of their country for their services, were so much elated, that they would have attempted the reduction of Detroit, had I ordered them. Having more prisoners than I knew what to do with, I was obliged to discharge a greater part of them, on parole. Mr. Hamilton, his principal officers and a few soldiers, I have sent to Kentucky, under convoy of Captain Williams, in order to be conducted to you. After despatching Morris with letters to you, treating with the neighboring Indians, &c. I returned to this place, leaving a sufficient garrison at St. Vincenne.

During my absence, Captain Robert George, who now commands the company formerly commanded by Captain Willing, had returned from New Orleans, which greatly added to our strength. It gave great satisfaction to the inhabitants, when acquainted with the protection which was given them, the alliance with France, &c. I am impatient for the arrival of Colonel Montgomery, but have heard nothing of him lately. By your instructions to me, I find you put no confidence in General M'Intosh's taking Detroit, as you encourage me to attempt it, if possible. It has been twice in my power. Had I been able to raise only five hundred men when I first arrived in the country, or when I was at St. Vincenne, could I have secured my prisoners, and only have had three hundred good men, I should have attempted it, and since learn there could have been no doubt of success, as by some gentlemen, lately from that post, we are informed that the town and country kept three days in feasting and diversions, on hearing of my success against Mr. Hamilton, and were so certain of my embracing the fair opportunity of possessing myself of that post, that the merchants and others provided many necessaries for us on our arrival; the garrison, consisting of only eighty men, not daring to stop their diversions. They are now completing a new

fort, and I fear too strong for any force I shall ever be able to raise in this country. We are proud to hear Congress intends putting their forces on the frontiers, under your direction. A small army from Pittsburg, conducted with spirit, may easily take Detroit, and put an end to the Indian war. Those Indians who are active against us, are the six nations, part of the Shawnese, the Meamonies, and about half the Chesaweys, Ottawas, Jowaas, and Pottawatimas nations, bordering on the lakes. Those nations who have treated with me, have behaved since very well; to wit, the Peankishaws, Kiccapoos, Orcaottenans of the Wabash river, the Kaskias, Perrians, Mechigamies, Foxes, Socks, Opays, Illinois and Poues, nations of the Mississippi and Illinois rivers. Part of the Chesaweys have also treated, and are peaceable. I continually keep agents among them, to watch their motions and keep them peaceably inclined. Many of the Cherokees, Chickasaws, and their confederates, are, I fear, ill disposed. It would be well if Colonel Montgomery should give them a dressing, as he comes down the Tennessee. There can be no peace expected from many nations, while the English are at Detroit. I strongly suspect they will turn their arms against the Illinois, as they will be encouraged. I shall always be on my guard, watching every opportunity to take the advantage of the enemy, and, if I am ever able to muster six or seven hundred men, I shall give them a shorter distance to come and fight me, than at this place.

There is one circumstance very distressing, that of our money's being discredited, to all intents and purposes, by the great number of traders who come here in my absence, each outbidding the other, giving prices unknown in this country by five hundred per cent, by which the people conceived it to be of no value, and both French and Spaniards refused to take a farthing of it. Provision is three times the price it was two months past, and to be got by no other means than my own bonds, goods, or force. Several merchants are now advancing considerable sums of their own property, rather than the service should suffer, by which I am sensible they must lose greatly, unless some method is taken to raise the credit of our coin, or a fund be sent to Orleans, for the payment of the expenses of this place, which would at once reduce the price of every species of provision; money being of little service to them, unless it would pass at the ports they trade at. I mentioned to you, my drawing some bills on Mr. Pollock in New Orleans, as I had no money with me. He would accept the bills, but had not money to pay them off, though the sums were trifling; so that we have little credit to expect from that quarter. I shall take every step I possibly can, for laying up a sufficient quantity of provisions,

and hope you will immediately send me an express with your instructions. Public expenses in this country, have hitherto been very low, and may still continue so, if a correspondence is fixed at New Orleans for payment of expenses in this country, or gold and silver sent. I am glad to hear of Colonel Todd's appointment. I think government has taken the only step they could have done, to make this country flourish, and be of service to them. No other regulation would have suited the people. The last account I had of Colonel Rogers, was his being in New Orleans, with six of his men. The rest he left at the Spanish Ozack, above the Natches. I shall immediately send him some provisions, as I learn he is in great want. I doubt, he will not be able to get his goods up the river, except in Spanish bottoms. One regiment would be able to clear the Mississippi, and do great damage to the British interest in Florida, and, by properly conducting themselves, might perhaps gain the affection of the people, so as to raise a sufficient force to give a shock to Pensacola. Our alliance with France has entirely devoted this people to our interest. I have sent several copies of the articles to Detroit, and do not doubt but they will produce the desired effect. Your instructions, I shall pay implicit regard to, and hope to conduct myself in such a manner as to do honor to my country.

I am, with the greatest respect,
your humble servant,
G. R. Clarke.

P. S. I understand there is a considerable quantity of cannon ball at Pittsburg. We are much in want of four and six pound ball. I hope you will immediately order some down.

In Council, June 18, 1779.

The board proceeded to the consideration of the letters of Colonel Clarke, and other papers relating to Henry Hamilton, Esq. who has acted for some years past, as Lieutenant Governor of the settlement at and about Detroit, and commandant of the British garrison there, under Sir Guy Carleton, as Governor in chief; Philip Dejean, justice of the peace for Detroit, and William Lamothe, captain of volunteers, prisoners of war, taken in the county of Illinois.

They find, that Governor Hamilton has executed the task of inciting the Indians to perpetrate their accustomed cruelties on the citizens of the United States, without distinction of age, sex, or condition, with an eagerness and avidity which evince, that the general nature of his charge harmonised with his particular dispo-

sition. They should have been satisfied, from the other testimony adduced, that these enormities were committed by savages acting under his commission, but the number of proclamations, which, at different times, were left in houses, the inhabitants of which were killed or carried away by the Indians, one of which proclamations is in possession of the board, under the hand and seal of Governor Hamilton, puts this fact beyond a doubt. At the time of his captivity, it appears, he had sent considerable bodies of Indians against the frontier settlements of these States, and had actually appointed a great council of Indians, to meet him at Tennessee, to concert the operations of this present campaign. They find that his treatment of our citizens and soldiers, taken and carried within the limits of his command, has been cruel and inhuman; that in the case of John Dodge, a citizen of these States, which has been particularly stated to this board, he loaded him with irons, threw him into a dungeon, without bedding, without straw, without fire, in the dead of winter and severe climate of Detroit; that, in that state, he wasted him with incessant expectations of death: that when the rigours of his situation had brought him so low, that death seemed likely to withdraw him from their power, he was taken out and somewhat attended to, until a little mended, and before he had recovered ability to walk, was again returned to his dungeon, in which a hole was cut, seven inches square only, for the admission of air, and the same load of irons again put on him: that appearing, a second time, in imminent danger of being lost to them, he was again taken from his dungeon, in which he had lain from January till June, with the intermission of a few weeks only, before mentioned. That Governor Hamilton gave standing rewards for scalps, but offered none for prisoners, which induced the Indians, after making their captives carry their baggage into the neighborhood of the fort, there to put them to death, and carry in their scalps to the Governor, who welcomed their return and success by a discharge of cannon. That when a prisoner, brought alive, and destined to death by the Indians, the fire already kindled, and himself bound to the stake, was dexterously withdrawn, and secreted from them by the humanity of a fellow prisoner, a large reward was offered for the discovery of the victim, which having tempted a servant to betray his concealment, the present prisoner Dejean, being sent with a party of soldiers, surrounded the house, took and threw into jail the unhappy victim and his deliverer, where the former soon expired under the perpetual assurances of Dejean, that he was to be again restored into the hands of the savages, and the latter when enlarged, was bitterly reprimanded by Governor Hamilton.

It appears to them, that the prisoner Dejean was on all occasions, the willing and cordial instrument of Governor Hamilton, acting both as judge and keeper of the jails, and instigating and urging him, by malicious insinuations and untruths, to increase, rather than relax his severities, heightening the cruelty of his orders by his manner of executing them, offering at one time a reward to one man to be hangman for another, threatening his life on refusal, and taking from his prisoners the little property their opportunities enabled them to acquire.

It appears, that the prisoner Lamothe, was a captain of the volunteer scalping parties of Indians and whites, who went, from time to time, under general orders to spare neither men, women, nor children. From this detail of circumstances, which arose in a few cases only, coming accidentally to the knowledge of the board, they think themselves authorised by fair deduction, to presume what would be the horrid history of the sufferings of the many, who have expired under their miseries, (which, therefore, will remain forever untold) or, who have escaped from them, and are yet too remote and too much dispersed, to bring together their well founded accusations against the prisoners.

They have seen that the conduct of the British officers, civil and military, has in the whole course of this war, been savage, and unprecedented among civilized nations; that our officers taken by them, have been confined in crowded jails, loathsome dungeons and prison ships, loaded with irons, supplied often with no food, generally with too little for the sustenance of nature, and that little sometimes unsound and unwholesome whereby such numbers have perished, that captivity and death have with them been almost synonymous; that they have been transported beyond seas, where their fate is out of the reach of our inquiry, have been compelled to take arms against their country, and by a refinement in cruelty, to become murderers of their own brethren.

Their prisoners with us have, on the other hand, been treated with humanity and moderation; they have been fed, on all occasions, with wholesome and plentiful food, suffered to go at large within extensive tracts of country, treated with liberal hospitality, permitted to live in the families of our citizens, to labor for themselves, to acquire and enjoy profits, and finally to participate of the principal benefits of society, privileged from all burdens.

Reviewing this contrast, which cannot be denied by our enemies themselves, in a single point, and which has now been kept up during four years of unremitting war, a term long enough to produce well founded despair that our moderation may ever lead them to the practice of humanity; called on by that justice we owe

to those who are fighting the battles of our country, to deal out, at length, miseries to their enemies, measure for measure, and to distress the feelings of mankind by exhibiting to them spectacles of severe retaliation, where we had long and vainly endeavored to introduce an emulation in kindness; happily possessed, by the fortune of war, of some of those very individuals who, having distinguished themselves personally in this line of cruel conduct, are fit subjects to begin on, with the work of retaliation; this board has resolved to advise the Governor, that the said Henry Hamilton, Philip Dejean and William Lamothe, prisoners of war, be put into irons, confined in the dungeon of the public jail, debarred the use of pen, ink and paper, and excluded all converse, except with their keeper. And the Governor orders accordingly.

ARCH. BLAIR, C. C.

[NOTE B.]

In Council, September 29, 1779

The board having been, at no time, unmindful of the circumstances attending the confinement of Lieutenant Governor Hamilton, Captain Lamothe and Philip Dejean, which the personal cruelties of those men, as well as the general conduct of the enemy, had constrained them to advise: wishing, and willing to expect, that their sufferings may lead them to the practice of humanity, should any future turn of fortune, in their favor, submit to their discretion the fate of their fellow creatures; that it may prove an admonition to others, meditating like cruelties, not to rely for impunity in any circumstances of distance or present security; and that it may induce the enemy to reflect, what must be the painful consequences, should a continuation of the same conduct on their part, impel us again to severities, while such multiplied subjects of retaliation are within our power: sensible that no impression can be made on the event of the war, by wreaking vengeance on miserable captives; that the great cause which has animated the two nations against each other, is not to be decided by unmanly cruelties on wretches, who have bowed their necks to the power of the victor, but by the exercise of honorable valor in the field: earnestly hoping that the enemy, viewing the subject in the same light, will be content to abide the event of that mode of decision,

and spare us the pain of a second departure from kindness to our captives: confident that commiseration to our prisoners is the only possible motive, to which can be candidly ascribed, in the present actual circumstances of the war, the advice we are now about to give; the board does advise the Governor to send Lieutenant Governor Hamilton, Captain Lamothe and Philip Dejean, to Hanover court house, there to remain at large, within certain reasonable limits, taking their parole in the usual manner. The Governor orders accordingly.

ARCH: BLAIR, C. C.

Ordered, that Major John Hay be sent, also, under parole, to the same place.

ARCH: BLAIR, C. C.

[NOTE C.]

In Council, October 8, 1779.

The Governor is advised to take proper and effectual measures for knowing, from time to time, the situation and treatment of our prisoners by the enemy, and to extend to theirs, with us, a like treatment, in every circumstance; and, also, to order to a proper station, the prison ship fitted up on recommendation from Congress, for the reception and confinement of such prisoners of war, as shall be sent to it.

ARCH: BLAIR, C. C.

[NOTE D.]

[After letter XVII. in the MS. is inserted the following memorandum.]

Female Contributions, in aid of the war, probably in 1780.

Mrs. Sarah Cary, of Scotchtown, a watch-chain, cost £7 sterling,
Mrs. —— Ambler, five gold rings,
Mrs. Rebecca Ambler, three gold rings,
Mrs. —— Nicholas, a diamond drop,

Mrs. Griffin, of Dover, ten half joes,
Mrs. Gilmer, five guineas,
Mrs. Anne Ramsay, (for Fairfax) one half joe, three guineas, three pistereens, one bit.
Do. for do. paper money, bundle No. 1, twenty thousand dollars, No. 2, twenty seven thousand dollars, No. 3, fifteen thousand dollars, No. 4, thirteen thousand five hundred and eighteen dollars and one third.
Mrs. Lewis, (for Albemarle) £1559 8s. paper money,
Mrs. Weldon, £39 18s. new, instead of £1600, old paper money,
Mrs. Blackburn, (for Prince William) seven thousand five hundred and six dollars, paper money,
Mrs. Randolph, the younger, of Chatsworth, eight hundred dollars.
Mrs. Fitzhugh and others, £558.

[Note E.]

Lord Cornwallis's letter to Lieutenant Colonel Nisbet Balfour, Commander at Ninety Six.

I have the happiness to inform you, that on Wednesday the 16th instant, I totally defeated General Gates's army. One thousand were killed and wounded, about eight hundred taken prisoners. We are in possession of eight pieces of brass cannon, all they had in the field, all their ammunition wagons, a great number of arms, and one hundred and thirty baggage wagons: in short, there never was a more complete victory. I have written to Lieutenant Colonel Turnbull, whom I sent to join Major Johnson on Little river, to push on after General Sumpter to the Waxhaws, whose detachment is the only collected force of rebels in all this country. Colonel Tarlton is in pursuit of Sumpter. Our loss is about three hundred killed and wounded, chiefly of the thirty-third regiment and volunteers, of Ireland. I have given orders that all the inhabitants of this province, who have subscribed and taken part in this revolt, should be punished with the greatest rigour; also, that those who will not turn out, may be imprisoned, and their whole property taken from them, and destroyed. I have also ordered that satisfaction should be made for their estates, to those who have been injured and oppressed by them. I have ordered, in the most positive manner, that every militia man

who has borne arms with us and afterwards joined the enemy, shall be immediately hanged. I desire you will take the most rigorous measures to punish the rebels in the district in which you command, and that you will obey, in the strictest manner, the directions I have given in this letter, relative to the inhabitants of this country. CORNWALLIS.

August, 1780.

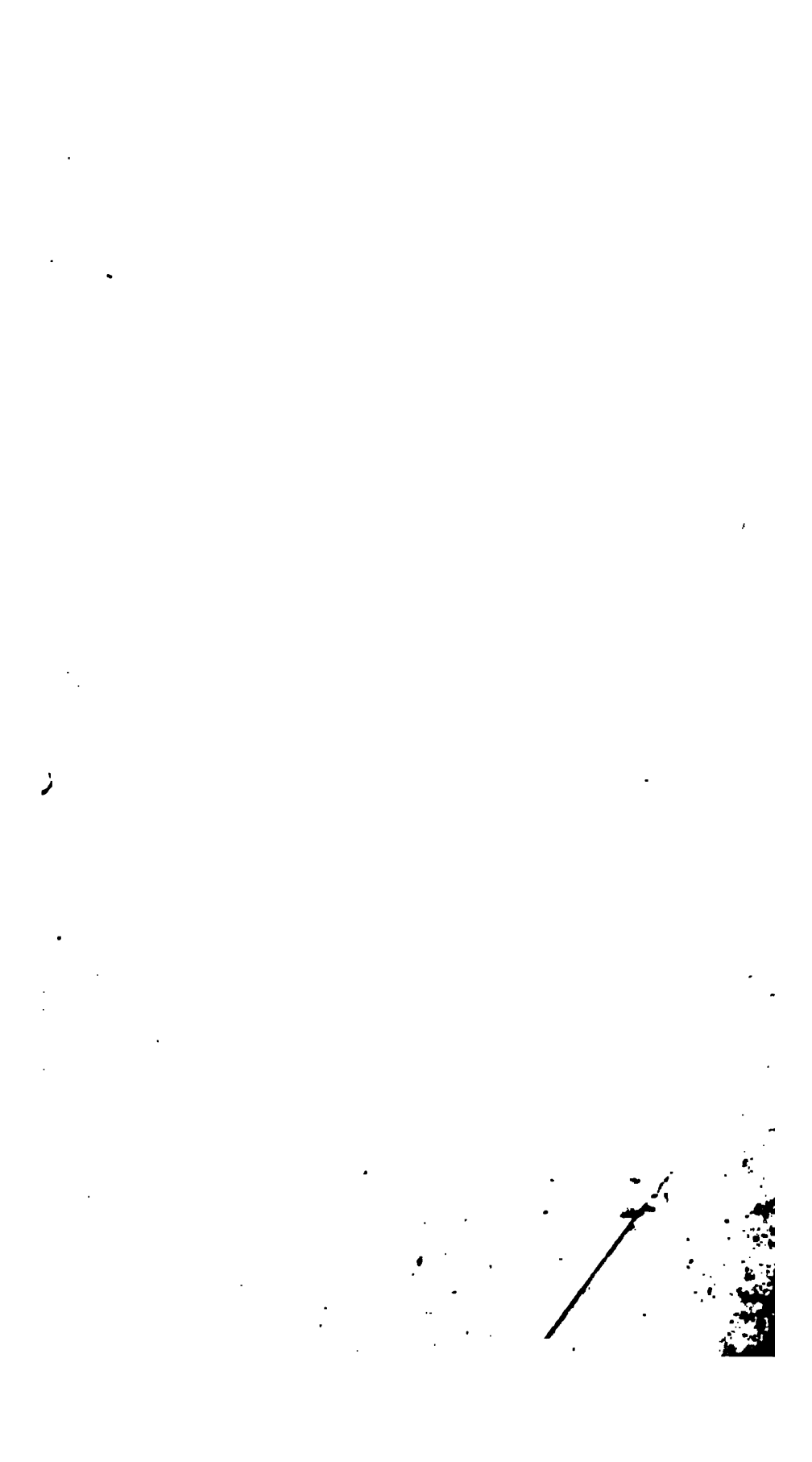
[NOTE F.]

TO LORD CORNWALLIS.

Portsmouth, Virginia, November 4, 1780.

MY LORD,

I have been here near a week, establishing a post. I wrote to you to Charleston, and by another messenger, by land. I cannot hear, for a certainty, where you are: I wait your orders. The bearer is to be handsomely rewarded, if he brings me any note or mark from your Lordship. A. L.



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